00024069

THE
ASIATIC SOCIETY OF BOMBAY
Town Hall, Bombay.

Digitized with financial assistance from the
Government of Maharashtra
on 23 March, 2016

LIVES

OF THE

PRIME MINISTERS OF ENGLAND,

FROM

THE RESTORATION TO THE PRESENT TIME:

BY

J. HOUSTON BROWNE, ESQ., LL.B.

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

24069 a.c

B. 1747

VOL. I.

"Men in great place are thrice servants; servants of the Sovereign or State, servants of fame, and servants of business."—LORD BACON.

LONDON:

THOMAS CAUTLEY NEWBY,

WELBECK STREET, CAVENDISH SQUARE.

MDCCCLVIII.

923.242
Bro/Liv
24069

TO THE RIGHT HONOURABLE

HENRY, LORD BARON BROUGHAM AND VAUX,

OF BROUGHAM, IN THE COUNTY OF WESTMORELAND,

FELLOW OF THE ROYAL SOCIETY, CORRESPONDING MEMBER OF THE INSTITUTE OF FRANCE, PRESIDENT OF UNIVERSITY COLLEGE, LONDON, CHAIRMAN OF THE "SOCIETY FOR THE DIFFUSION OF USEFUL KNOWLEDGE," AND PRESIDENT OF "THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF SOCIAL SCIENCE,"

LATE, LORD HIGH CHANCELLOR OF GREAT BRITAIN.

My Lord,

It is not because the attention of the Statesmen and philosophers of Christendom is at this moment turned upon your most recent effort for the advancement of true science, and human happiness, but in the most grateful and hearty acknowledgment of great and disinterested kindness, and of a favourable opinion, to me invaluable, that I have presumed to inscribe your illustrious name upon this work.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

J. HOUSTON BROWNE.

PREFACE.

It is with extreme and most sincere diffidence that, at length, I venture to lay this work before the public. The long delay that has taken place between its announcement and its appearance, has not enabled me to persuade myself into forgetfulness of any of its defects; and no candid objection can well be offered that I shall not be predisposed to acknowledge. I have, therefore, to ask the reader's most favourable construction of the many faults of this attempt to place in consecutive order, the biographies of those English statesmen, who, if not the first of our ministers in ability, have been the first in place.

The delay in the appearance of this volume, arose, in the first place, from the fact that when the book was first announced, it was my intention to have begun my series at the Revolution; and some biographies, with that purpose, I had prepared. Subsequently it occurred to me, whether rightly or wrongly, that, as parliamentary government had made itself felt almost as much after the Restoration as before, a list beginning at that period might make, at least, the parliamentary history of the Prime Ministers more complete.

With this view I commenced with the often-written

life of Clarendon, and offer in this volume the additional lives of Clifford, Danby, and Essex.

For the "Preliminary Memoir," I have only to offer an absolute apology. It was commenced with the intention of being brought up to the Revolution: a fact that may explain, but may not excuse, the contracted form in which it appears, and the too great space devoted to particular events.

The other causes of delay, besides the change of the period of commencement, have been of two kinds:—one, the occurrence of three severe and dangerous attacks of illness, the latter of which, in all human probability, must have proved fatal but for the proverbial ability and unwearied kindness, thoughtfulness, and attention of my physician, Doctor Girdwood. The necessity, on my recovery, of attending to accumulated professional engagements, was the second reason of postponement.

The reading of Mr. Macdiarmid's most interesting book, Mr. Forster's masterly biographies of the Statesmen of the Commonwealth, and some other collections of inferior note, induced me to think of a series of Prime Ministers as long ago as 1840. On making some inquiry I found that such works had been more than once produced; one, so long since as 1670,* and another, under the title of "Prime Ministers," in 1733.†

* "State Worthies; or, the Statesmen and Favourites of England since the Reformation, their Prudence and Policies, Successes and Miscarriages, Advancements and Falls. London: Printed by Thomas Milbourne, for Samuel Speed, in Threadneedle Street, near the Royal Exchange, 1670."

† "A Short History of Prime Ministers in Great Britain. London: Printed for H. Haines, at Mr. Francklin's, in Russell Street, Covent Garden, 1733."

I take the trouble to mention this fact, because many friends, both at the press and at the bar, can remember that I projected this work before the announcement of our distinguished Chief-Justice's very learned and delightful book on the "Chancellors," and very long before any publisher had announced, in any quarter, a similar, but unwritten, work on the "Prime Ministers."

The distance from town at which the printing of the text of the work was done, must be my excuse for errors which, I hope it will be seen, could not be mine; and, with the consciousness that much more may need explanation than I can now anticipate, I commit the volume to the favourable consideration of the reader.

J. H. B.

5, Hare Court,
Dec., 1857.

CONTENTS OF THE FIRST VOLUME.

PRELIMINARY MEMOIR.

CHAPTER I.—FROM THE NORMAN CONQUEST TO THE CONQUEST OF IRELAND.

	Page
LANFRANC appears at the Court of Normandy	1
Retires to Rome	2
William appeals to Rome against Harold	3
Invasion of England	*ib.*
Lanfranc chosen Archbishop of Canterbury	4
Expels the Saxon Prelates	5
Lanfranc made Administrator of England	6
Separation of the Ecclesiastical and Civil Court	7
Accession of Rufus	9
Bondage of the Saxons	10
Henry I.	11
Anselm	12
Origin of the Plantagenets	13
Accession of Henry II.	14
Invasion of Ireland	15
Richard, Earl of Pembroke, surnamed Strongbow	17
Landing of the English	*ib.*
Strongbow disembarks at Waterford	19
St. Laurence of Dublin	*ib.*
Henry II. recals the Adventurers	20
Henry determines to visit Ireland	21
Ordains Laws at Dublin	22
Returns to England	23

CHAPTER II.—FROM THE DEATH OF HENRY II. TO THE RISE OF WOLSEY.

	Page
Causes of the Confederacy of the Barons	24
Primate Langton harangues the Barons	25
Magna Charta and its Provisions	26
Charter conferred on Ireland	27
Origin of voting Supplies	28
Simon de Montfort	29
Institution of Knights of the Shire	29
Death of Montfort	30
Deposition of Edward II.	31
Sedition of the Serfs	32
Insurrection in Kent	33
Reforms of the Reign of Henry IV.	34
Star Chamber founded	35

CHAPTER III.—FROM THE RISE OF WOLSEY TO THE BIRTH OF CLARENDON.

Moderation of the Cardinal	36
Firmness of the Commons	37
Consequences of the Reformation	*ib.*
The "New Nobility"	38
Another Rising of the People	*ib.*
Proceedings of Somerset	39
Administration of Cecil	40
Rising Power of the Commons	41

EDWARD HYDE, EARL OF CLARENDON.

CHAPTER I.—FROM THE BIRTH OF HYDE TO THE MEETING OF THE LONG PARLIAMENT.

His Birth	42
Character of his Father	43
His early Training	*ib.*
Goes to Oxford	44
Enters the Middle Temple	*ib.*
Falls dangerously ill	45
Death of Buckingham	46
Marries Miss Ayliffe	*ib.*
Is introduced to Court Society	47

Page
Second Marriage 47
His Associates .. .. *ib.*
Is called to the Bar 48
Is Counsel for the Merchants 49
His Interview with Laud .. .. *ib.*
Obtains large practice at the Bar 50
Devotes himself to Politics 51
Becomes a Law Reformer 52
Conduct of Vane 53
Dissolution of Parliament 54

Chapter II.—From the Meeting of the Long Parliament to Hyde's Adherence to the King.

Charles attempts to recall the Parliament 56
Adopts "other counsels" 57
Hyde again returned .. .. *ib.*
Attacks the Court of York 58
Becomes an important Member 59
Impeaches the Judges 60
Impeachment of Strafford 61
Declaration of Essex 62
Plans of the Republicans .. .. *ib.*
Hyde abandons the Republican Party 63
Has an Interview with the King .. .. *ib.*

Chapter III.—From Hyde's Adherence to the Royal Cause to the Death of the King.

Prospects of the Cause of the King 65
The Irish Rebellion of 1641 66
The "Remonstrance" .. .. *ib.*
Hyde declines the Solicitor-Generalship 67
His Advice to the King 68
Hyde finally abandons Parliament 69
Beginning of the War—Hyde retreats to York 70
The King hoists his Standard at Nottingham 71
Hyde takes charge of the Princes .. .. *ib.*
Is made Chancellor of the Exchequer 72
Separates from the King 73
Is appointed one of the Prince of Wales' Council in the West *ib.*
Carries the Prince to Scilly, and thence to Jersey .. .. *ib.*
The Prince goes to France 74
Hyde commences his History .. .. *ib.*
Joins the Prince of Wales at the Hague 76
Death of the King .. .. *ib.*

Chapter IV.—From the Death of the King to the Restoration.

	Page
The Court of Charles II. at the Hague	77
Hyde Ambassador to Spain	78
Murder of Ascham	79
Sufferings of the Embassy	*ib.*
Hyde defeats attempts to convert Charles	80
Great Privation of the King	*ib.*
And of Hyde	81
Charles quits Paris	82
Management of Hyde	*ib.*
Cromwell's Spanish War	83
The Duke of Ormonde—his Character	84
His Opinion of the King	*ib.*
Hyde made Lord Chancellor	85
Death of Cromwell	*ib.*

Chapter V.—From the Restoration to the Dissolution of the Convention Parliament.

Causes of the Restoration	87
Proposition of Sir Matthew Hale	88
Reasons of the Public Joy	*ib.*
Arduous position of Hyde	89
Constitution of the Ministry	*ib.*
Hyde takes his Seat in the Court of Chancery and in the House of Lords	90
The Convention Parliament	*ib.*
Delusive Proclamation to the Regicides	91
Hyde advises Clemency to the King	92
Conduct of the Lords—Humanity of the Earl of Denbigh	*ib.*
Bill of Indemnity	93
The Revenue	*ib.*
Hyde's Constitutional Conduct	94
Abolishes Feudal Tenures	*ib.*
Embarrassments of the King	95
Disbanding of the Army	96
Clarendon's Speech on the Disbanding of the Army	97
Settlement of Property	*ib.*
Hardships of the Cavaliers—Promises of Charles	98
Hyde's wise Plan to abolish Lay Impropriations	*ib.*
Conduct of the Clergy	99
Disappointment of the Cavaliers—their Sarcasms	100
Case of the Presbyterians—their Position and Claims	*ib.*
The Prelates refuse to make any Compromise	101
Stormy Debates in Parliament	*ib.*

CHAPTER VI.—FROM THE DISSOLUTION OF THE CONVENTION PARLIAMENT TO THE SALE OF DUNKIRK.

Page

Trial of the Regicides 103
Trial of Harrison 104
Trial of Marten 105
And of Hugh Peters 106
The Public are weary of Executions .. .. *ib.*
Hostility to the Bishops—Venner's Plot 107
Marriage of Anne Hyde with the Duke of York .. .. *ib.*
Sir Charles Berkeley's Scandal 108
The Marriage avowed 109
Hyde created Viscount Cornbury and Earl of Clarendon .. *ib.*
The Marriage of the King .. .. *b.*
Clarendon remonstrates against the Treatment of the Queen 110
But assists Charles in pursuing it 111
Charles dismisses the Attendants of the Queen .. .. *ib.*
The Queen gives way 112
Clarendon in favour with the Mistress .. .. .. *ib.*
Trial of Sir Harry Vane 113
Letter of Charles II. to Clarendon .. .. *ib.*
Lambert pardoned 114
Value of Dunkirk 115
Negotiation with D'Estrades 116
Chicanery of Clarendon 117
Praises of Dunkirk to the French King 118
Clarendon falls into great unpopularity 119
Ashley opposes the Sale of Dunkirk 120

CHAPTER VII.—FROM THE DECLINE OF CLARENDON'S POPULARITY TO HIS DEATH.

Growing Unpopularity of Clarendon 121
State of the English Church .. .. *ib.*
Faithfulness of the Presbyterians 122
Their Persecution .. .. *ib.*
Clemency of the King 123
The Dispensing Bill .. .. *ib.*
The Earl of Bristol impeaches the Prime Minister 124
The Conventicle and "Five Mile" Acts 125
The Beginning of the Dutch War 126
The famous case of Irish Cattle .. .. *ib.*
Opposition of Ormonde 127
The League of Country Gentlemen against Clarendon .. *ib.*
Clarendon is turned into ridicule at Court 128
The King wishes to marry Miss Stewart, and is thwarted by Clarendon .. .. *ib.*
Charles demands the Great Seal 129
Determination to impeach Clarendon .. .. *ib.*
Impeachment of Clarendon 130

Page
Independence of the House of Lords 130
Articles of the Impeachment 131
Ill-judged Flight of Clarendon 133
He appeals to the King by Letter .. .. *ib.*
Able Letter of Clarendon in reply to the Charge 134
Falsity of the Charges 138
The Bribes in Ireland taken by Clarendon and Ormonde .. 139
Clarendon's Letter burned by the Hangman .. .. .. *ib.*
Bill for Clarendon's Banishment 140
His Wanderings in France .. .. *ib.*
Death of Lady Clarendon .. .. *ib.*
His Letter to his Daughter, the Duchess of York .. .. *ib.*
His Will 141
His Death .. .. *ib.*

THOMAS LORD CLIFFORD AND THE CABAL.

Chapter I.—From the Accession of the Cabal to the Secret Treaty.

Composition of the Cabal 143
Shaftesbury 144
Buckingham .. .. *ib.*
Bennet, Earl of Arlington .. .. *ib.*
Evelyn's Account of Arlington 145
Character of Lauderdale .. .. *ib.*
Consequences of his Scotch Administration 146
Thomas Lord Clifford 146
Descent of his Family—Origin of their Name 147
Enters the Middle Temple .. .. *ib.*
Is returned to Parliament and recommended to Clarendon .. *ib.*
Adopts the Court Side .. .. *ib.*
Goes to Sea with the Duke of York, and is in action with the Dutch .. .. *ib.*
Is appointed Comptroller of the Household 148
His Solicitations for the Treasurership of the Household .. *ib.*
Death of the Earl of Southampton 149
Clifford a Commissioner of the Treasury .. .. .. *ib.*
Early Wisdom of the Cabal 150
Suppress Monopolies .. .. *ib.*
Meeting of Parliament .. .. *ib.*
Buckingham and Monk 151
Service of Sir William Temple .. .. *ib.*
The "Triple Alliance" is concluded .. .. *ib.*
The Departments of the Government classified 152

Page
Foreign Affairs 152
Army and Navy .. .. *ib.*
Trade and Plantations .. .. *ib.*
Committee of Council .. .. *ib.*
The Cabinet Council 152
Clifford's Remark about the Dutch War .. .. ..
Letter of Colbert to Louis XIV. .. .. *ib.*

Chapter II.—From the Secret Treaty to the Death of Clifford.

Parliament votes Supplies and Petitions against the Nonconformists 155
The Attack on Sir John Coventry .. .. *ib.*
Burnet's Account of the Affair 156
Passing the Coventry Act .. .. *ib.*
Contest with the Lords .. .. *ib.*
Project of shutting up the Exchequer 157
Question as to the Author of the Project .. .. .. *ib.*
Secresy of the Plan 158
Rise of Clifford .. .. *ib.*
Evelyn's Summary of his Career 159
Shaftesbury said to be offered the Treasury .. .. .. *ib.*
Martyn's Account of Clifford's Appointment 160
Growing Power of Clifford 161
Affair of Blood .. .. *ib.*
Clifford made Lord High Treasurer 162
Is sworn into Office .. .. *ib.*
Piratical Attack on the Dutch Fleet .. .. *ib.*
Is unsuccessful 163
Declaration of War .. .. *ib.*
Sir William Temple's Account .. .. *ib.*
Called "Lord Clifford's War" .. .. *ib.*
Religious Hostilities 164
Battle of Southwold Bay 164
Assassination of De Witt 165
Rise of William III. .. .. *ib.*
Decay of the Cabal .. .. *ib.*
Shaftesbury defends the shutting the Exchequer and the Dutch War 166
Difference of Shaftesbury and Clifford .. .. .. *ib.*
Declaration withdrawn 167
The Test Act brought in and passed 168
Fall of Clifford .. .. *ib.*
His depression on his Fall .. .. *ib.*
His belief in the prophecy of an Astrologer 169
Death of Clifford 170
Supposed to be by his own hand .. .. *ib.*
His Character .. .. *ib.*

THOMAS OSBORNE, EARL OF DANBY AND DUKE OF LEEDS.

CHAPTER I.—FROM THE BIRTH OF DANBY TO HIS SUCCESSION TO OFFICE.

	Page
Declaration of the Duke of York's religion	173
Sir Thomas Osborne recommended to the King	174
Origin of his Family	*ib.*
Evelyn's Account of Clifford's Conversion	*ib.*
Osborne's Birth	175
His early Associations	*ib.*
He passes his Youth in France	176
Is returned to Parliament at the Restoration	*ib.*
His Marriage	177.
Opposes the Non-resistance Bill	*ib.*
Joins Buckingham against Clarendon	*ib.*
Takes part in Clarendon's Impeachment	178
Takes office at the Navy Board	*ib.*
Votes against the dispensing power	179
Is appointed Lord High Treasurer	*ib.*
Speech of Shaftesbury on swearing him into office	180

CHAPTER II.—FROM HIS ACCESSION TO OFFICE TO THE POPISH PLOT.

Sir John Reresby's account	181
State of the Public Finances	182
Danby's Summary of Public Affairs	*ib.*
Peace with the Dutch	183
His Payment of the Navy	*ib.*
And the Household	*ib.*
And the Creditors of the Exchequer	184
Danby's Aversion to Foreign Politics	*ib.*
State of Foreign Affairs	185
First Session of Danby's Ministry	*ib.*
Dismissal of Shaftesbury	186
Danby's ignorance of the "Secret Treaty"	*ib.*
Denial by Charles	187
Impeachment of Lauderdale, Buckingham, and Bennett	*ib.*
The Anti-Popish Agitations	*ib.*
Peace with Holland	188
Position of Danby	*ib.*
Attempts to relieve the Dissenters	*ib.*
Favours the old Cavaliers	189
King's Speech in favour of the Church	190
Position of Danby	191
Coldness of the Parliament	*ib.*
Growing hostility to Danby	192

Page
Activity of William Lord Russel 192
Charge of disparaging Acts of Parliament 193
Charge of altering the course of the Exchequer .. .. *ib.*
Danby's Reply .. .. *ib.*
Charge relating to the Marriage of his Son 194
Is defended by Opposition Leaders .. .. *ib.*
Accusation of Bribery 195
The Impeachment fails .. .. *ib.*
Satire of Marvel 196

Chapter III.—From Danby's First Impeachment to the Congress of Nimeguen.

The Opposition change their tactics 197
Management of Danby 198
The Question of the French Aid compromised .. .. *ib.*
Bribery of the Parliament .. .. *ib.*
Danby's fear of Republican principles .. .. .. *ib.*
Introduces the Non-resistance Test 199
Form of the Declaration .. .. *ib.*
Opposition of Shaftesbury 200
Resolution of the Lords for Freedom of Debate .. .. *ib.*
Protest of Shaftesbury, Buckingham, and Clarendon .. 201
The Bill lost by a trick .. .. *ib.*
Interest of Charles in favour of the Test 202
Factiousness of the House of Commons 203
Difficulties of Danby .. .. *ib.*
Danby's ignorance of French Bribes in 1674 204
Yet he joins in the scheme of a French Alliance 205
Ruvigni's Account of the Negotiation .. .. .. *ib.*
Lauderdale in the Secret 206
Danby abandons his French Policy 207
Ruvigni remonstrates with Danby .. .. *ib.*
State of Domestic Affairs in 1674 208
Persecution of the Presbyterians .. .. *ib.*
Spread of Republican Opinions .. .. *ib.*
Shutting of the Coffee Houses .. .. *ib.*
Parliament of 1677 209
Dismissal of Halifax .. .. *ib.*
Strength of the Opposition .. .. *ib.*
The King's Speech 210
Argument of Shaftesbury .. .. *ib.*
Committal of Shaftesbury, Salisbury, Buckingham, and Wharton .. .. *ib.*
Bribery by Danby 211
Management of the House of Commons .. .. .. *ib.*
Conduct of the Opposition 212
The Address and Reply .. .. *ib.*
Factiousness of the Commons .. .. *ib.*

Page
And their Venality 214
Danby's Bill for securing the Protestant Religion .. .. *ib.*
Moderate measures of Danby against Popery.. 215
Speech of Andrew Marvel .. .. *ib.*
Danby is made a Knight of the Garter 216
He joins more heartily the views of Charles .. .. .. *ib.*
Letter of Danby to Montagu .. .. *ib.*
Second Letter 217
His anxiety to thwart the French interest 218
Statement of Courtin, Reply of Danby .. .. .. *ib.*
Refuses offers of money 219
Plans the marriage of the Prince of Orange 220
His own account of it .. .. *ib.*
Duras despatched to France 221
His instructions to obtain a peace .. .. *ib.*
Duplicity of Charles 222

Chapter IV.—From the Congress of Nimeguen to the Second Impeachment of Danby.

Danby advises a league with Holland 223
Duplicity of Charles 224
Attempts of France to corrupt Danby 225
His indignant refusal of the bribes 226
Is firm to the Dutch alliance .. .. *ib.*
Ruvigni's mission to the "Patriots" 227
Effects of the marriage of the Prince of Orange 228
Alliance of France and the "Patriots" against Danby .. *ib.*
Corruption of the "Patriots" 229
Meeting of Parliament .. .. *ib.*
Plan against Danby and the Duke of York 230
Danby writes his celebrated letter to Montagu .. .. *ib.*
Charles's extraordinary demand for revenue 231
Rejected without a division .. .. *ib.*
Battle of Mons 232
End of the War.. .. .. *ib.*
Renewed favour of Buckingham 233
Public feeling against Romanism 234
Its causes .. .. *ib.*
Imprudence of the Priests .. .. *ib.*
First intimation of the Popish Plot 234
Story of Kirby and Porige 235
They are referred to Danby .. .. *ib.*
Danby's narrative of his conduct .. .. *ib.*
His examination of Porige .. .. *ib.*
Second interview with Porige 236
Danby goes off to Windsor .. .. *ib.*
Advises the arrest of the parties charged 237
Charles commands silence .. .. *ib.*
Danby informs Charles of the progress of the Plot .. .. *ib.*

Page
Arranges to seize the messengers 237
Charles disbelieves the Plot 230
The alleged packet of Jesuits' letters .. .. *ib.*
Danby anticipated by the Duke .. .. *ib.*
Charges against Danby as to the Plot 239
Murder of Sir E. Godfrey 240
Misrepresentations by Doctor Lingard.. .. .. .. *ib.*
Charles mentions the Plot to the House 241
Probability of the story of Prance .. .. *ib.*
Attempt to remove the Duke of York 242
Roman Catholics excluded the House .. .. *ib.*
Motive to remove the Queen .. .. *ib.*
Charles proposes to agree to restrictions on a Popish successor 243
Despises Oates .. .. *ib.*

CHAPTER V.—FROM THE IMPEACHMENT OF DANBY TO HIS LIBERATION FROM THE TOWER.

Danby's power begins to totter.. 244
The Duke of York turns against him 245
The case of Harrington.. .. .. *ib.*
Hypocrisy of the "Patriots" 246
Reresby's warning to Danby 247
Ralph Montagu, the Ambassador at Paris, joins Russell and Shaftesbury.. .. .. *ib.*
Comes to England .. .. *ib.*
Lady Castlemaine divulges his practices 248
His contempt for Charles and James 249
His account of them 250
His plan to ruin Danby.. .. .. *ib.*
To bring over a Soothsayer .. .. *ib.*
His hopes of the office of Treasurer 251
Intercepts Lady Castlemaine's letters 252
Tells Louis XIV. of a plan to marry the Dauphin .. .. *ib.*
Proposed marriage of Charles's niece 253
Montagu arrives in London 254
His Treachery.. .. .. *ib.*
His letter to Danby .. .. *ib.*
Montagu returned to Parliament 255
Danby brings him to the King.. .. .. *ib.*
Danby seizes his papers.. 256
Montagu's copies of letters seized by the House .. .. *ib.*
Danby's letter, March 25th, 1678 257
Note of Danby on this letter 259
Resolution to impeach Danby 260
Conduct of the "Patriots" .. .. *ib.*
Harbord, Bennet, and Powle 261
Articles of impeachment against Danby 263
Assuming "Regal Powers" .. .. *ib.*
Raising a standing army .. .. *ib.*

	Page
The French money	653
The concealing of the Plot	*ib.*
Wasting of the Treasure	264
Obtaining Estates	*ib.*
Danby's Speech in defence	*ib.*
His Answer to the first charge	*ib.*
To the second	*ib.*
To the third	265
To the fourth	*ib.*
To the fifth	267
His eloquent speech	*ib.*
Determines to dissolve the Parliament	268
Venality of the "Patriots"	269
New Parliament	270
Danby proposes to retire	*ib.*
Powle's Speech against Danby	*ib.*
Message to the Lords	272
Bill of attainder	*ib.*
Danby surrenders, and is sent to the Tower	273
Popular excitement	*ib.*
Pleads the King's pardon	274
End of Danby's first Ministry	*ib.*
Strange league against him	275
Roger North's account	*ib.*
The Lords favour Danby.	276
Charles dissolves the Parliament	*ib.*
His attempts to be bailed	*ib.*
His opinion of Charles	277
Notes of Reresby	*ib.*
He applies to Halifax	*ib.*
Anxiety for a new Parliament	279
Halifax interferes for Danby	280
Danby's letters to Chesterfield	281
Chesterfield's mediation.	*ib.*
Danby's hopes of being liberated by Parliament	282
House of Commons inquire into the "Secret Service Money"	*ib.*
Nature of "Secret Service" at that time	283
The salaries of the Ministers so designated	*ib.*
Danby's account of the disbursements	*ib.*
Charges of bribing Members of Parliament	284
Danby's attempts to be bailed by the King's Bench	285
Charge by Fitzharris	*ib.*
Renewal of the application	285
Scandalous conduct of Pemberton, the Chief Justice	286
Danby's spirited speech.	*ib.*
Recantation of Fitzharris	287
Affair of Magrath	288
Supposed to be instigated by Shaftesbury	*ib.*
The six grounds of Danby's application	*ib.*
The Judges take time to consider	290
Danby is liberated on bail	*ib.*

Chapter VI.—From Danby's Liberation to his Second Accession to Office.

	Page
State of public affairs at this time	292
Danby waits upon the King	293
And avoids public business	*ib.*
Aversion to Danby of the Duke of York	294
Danby's opinions modified	*ib.*
Danby's relation with the Prince of Orange	*ib.*
Joins in the declaration to the Prince	295
Letter of Danby to the Prince of Orange	*ib.*
Wishes for a personal conference with James	295
Lukewarmness of Halifax	297
Danby afraid to go to Holland	*ib.*
His letter to William III.	298
James's conversation with Danby's son	299
Joins the invitation to the Prince of Orange	300
Effects of the trial of the Bishops	301
Terms of the invitation	*ib.*
They urge William to come over at once	302
Danby's preparation for the invasion	*ib.*
His apprehensions of the result	303
His letter to Lord Chesterfield	*ib.*
He takes arms for William	304
Proceedings at York	*ib.*
Arrests Sir John Reresby	306
Gachard's account of his proceedings	*ib.*
Takes, Hull, York, Newcastle, and Berwick	307
His reserve as to the new oaths	*ib.*
Votes against the Regency	308
Burnet's account of his conduct	*ib.*
Falls fully into William's scheme	309
Is made President of the Council and Marquis of Caermarthen	*ib.*

Chapter VII.—From Danby's Second Accession to Office till his Death.

Danby's disappointment	310
Causes of his apprehensions	311
Remonstrates with William	312
Hopes of James's return	*ib.*
The House of Commons censures the Ministry	314
They attack Danby	*ib.*
He advises the dissolution	315
The "Caermarthen Administration"	316
Renewed attack by the Commons	317
Instigated by Shrewsbury	*ib.*

Page
William appoints a Council of Nine, and departs for Ireland . 317
Letter of Queen Mary 318
And of Danby to the King 319
Battle off Beachy Head 320
Joy of the Jacobites 321
Danby volunteers to go to the Fleet 322
His renewed dissatisfaction .. .. *ib.*
Opposition of the Lords of the Admiralty 323
The Queen's account of the Council 325
Confession of the Jacobites .. .. *ib.*
Rejection of the Triennial Act 326
Danby offers to go Lord Lieutenant to Ireland . .. .. *ib.*
Quarrels with the Ministry 327
Is created Duke of Leeds 328
His Correspondence with the Court of St. Germain's .. *ib.*
Lady Shrewsbury's instructions 330
James's hopes from Danby .. .. *ib.*
Danby is impeached a third time 331
Grounds of the impeachment 332
Danby defends himself before the House of Commons .. 333
William dissolves the Parliament .. .. *ib.*
William suspects Danby, and he retires 334
His speech on the impeachment of Sacheverell 335
Attempts to sound Queen Anne 336
Adheres to the Elector .. .. *ib.*
Publishes his "Letters" and "Memoirs" 337
His death .. .. *ib.*

ARTHUR CAPEL, EARL OF ESSEX, IN OFFICE 1679.

CHAPTER I.—FROM HIS BIRTH TO THE FORMATION OF THE ESSEX MINISTRY.

The Earl of Essex's Ancestry 340
His father, Lord Capel, executed 341
Lord Essex present .. .. *ib.*
Doctor Morley's account of the scene .. .. *ib.*
Neglect of Essex's Education 342
Manners of the Aristocracy of the Time .. .. .. *ib.*
Anecdote as to Lord Capel's Heart .. .. *ib.*
Essex raised to the Peerage 343
Is sent ambassador to Denmark . .. . *ib.*
Behaves with great spirit .. .. *ib.*
Is appointed Lord Lieutenant of Ireland 344
Condition of the Country .. .. *ib.*
Character of the Government .. .. *ib.*

Page
Misery of the Population 345
Anxiety of Essex for improvement 346
Applies to Sir William Temple.. .. .. *ib.*
His Essay on the Advancement of Trade .. .. .. *ib.*
Curious Causes of Irish Misery.. .. .. *ib.*
Essex refuses to pass Lord Ranelagh's Accounts 347
Burnet's account of Essex .. .. *ib.*
Essex takes an active part against Danby 348
Joins the party of the Duke of Monmouth 349
Temple's Narrative of the Formation of the Ministry .. .. *ib.*
Junction of Essex and Shaftesbury 350
Temper of the Parliament .. .. *ib.*
New Council proposed 351
Bait of Money held out to Charles .. .. *ib.*
Temple's Narrative of the Crisis 352
The King averse to Halifax .. .. *ib.*
But supports Shaftesbury 353
List of the New Ministry .. .. *ib.*

Chapter II.—From the Formation of the Essex Ministry to his leaving the Treasury.

Joyful reception of the New Council 355
Dissension in the Council 356
Monmouth's Pretensions .. .. *ib.*
Position of Halifax 357
Admission of Shaftesbury .. .. *ib.*
The Popish Plot.. 358
Causes of the Excitement .. .. *ib.*
The "Expedients" 359
Discussed in the Council .. .. *ib.*
Essex proposes to prorogue Parliament .. .. .. *ib.*
He attempts to remove Lauderdale 360
Butcheries of Graham and Claverhouse 361
Insurrection of the Presbyterians .. .. *ib.*
Monmouth sent to Scotland .. .. *ib.*
Shaftesbury's "body guard" disallowed 362
Battle of Bothwell Bridge 363
Triumph of Shaftesbury 364
Resolution to dissolve Parliament .. .. *ib.*
Essex and Halifax alarmed at Shaftesbury's threats 365
Temple offered the office of Secretary of State .. .. .. *ib.*
State of the Council 366
Opposition of the Council to the Dissolution .. .. .. *ib.*
Temple's speech.. 367
Public fury of Monmouth 368
Essex proposes to meet it .. .. *ib.*
Henry Sidney's Letter .. .. *ib.*
Essex anxious for William's arrival 369

Page
Letter of Sunderland 369
The King's illness 370
Arrival of the Duke of York .. .. *ib.*
Sir W. Temple's interview with Essex 371
And with Halifax. .. .. *ib.*
And the Duke of York 372
Temple's Narrative to the Duke . .. . *ib.*
Disgrace of Monmouth 373
Fears of Halifax.. 374
Deceit of Temple .. .. *ib.*
Essex avoids Temple 375
Who complains to Sunderland.. .. .. *ib.*
Essex boasts of the Court favour .. .. *ib.*
Halifax threatens to retire 376

CHAPTER III.—FROM ESSEX LEAVING THE TREASURY TILL HIS DISMISSAL THE COUNCIL.

Abatement of the Mania of the Plot .. .. *ib.*
Trial of Sir George Wakemain.. .. .. *ib.*
James is permitted to go to Scotland 378
Monmouth is sent from Court .. .. *ib.*
The Scottish Parliament 379
Conduct of Shaftesbury.. .. .. *ib.*
Charles prorogues the Parliament and dismisses Shaftesbury.. 380
Essex desires to resign.. .. .. *ib.*
The Meal-tub Plot 381
Appearance of Dangerfield .. .. *ib.*
Has an interview with Charles and James .. .. .. *ib.*
Essex contemplates resigning 383
But is anxious to be appointed Viceroy of Ireland .. .. *ib.*
Sir W. Temple's account .. .. *ib.*
Plan of giving Charles £80,000 per annum from Ireland .. 384
Hyde supports Essex's claim 385
Sir W. Temple supports Ormonde .. .. *ib.*
The Bill of Exclusion 386
Seconded by Essex 387
Lord Stafford writes to Essex .. .. *ib.*
Who has him brought to the Bar of the Peers . .. .. *ib.*
Parliament called at Oxford 388
State of the Country .. .. *ib.*
Remonstrance of Peers against the Oxford Parliament .. *ib.*
Speech of Essex to the King .. .. *ib.*
The Lords' Petition 389
The King's Speech 392
Second reading of the Exclusion Bill 395
Essex dismissed the Council .. .. *ib.*

CHAPTER IV.—FROM ESSEX'S DISMISSAL FROM THE COUNCIL TO THE RYE-HOUSE PLOT.

Essex talks of resistance 397

Page
Hopes of the Whigs 397
Nature of their Associates .. .. *ib.*
Relations of the Government with France 398
State of Scotland and Ireland .. .. *ib.*
Essex's Letters from Ireland 399
Essex's Obligations to Danby 400
His contempt for the Treasury .. .. *ib.*
State of Public Affairs 401
Resistance of Charles .. .. *ib.*
Persecution of Shaftesbury .. .. *ib.*
Conduct of James in Scotland .. .. *ib.*
Persecution of Dissenters 402
Return of James 403
Attack on the City Charter 404
Death of Shaftesbury .. .. *ib.*
The inferior Plot .. .. *ib.*
Lady Rachel Russell's account 406
Essex introduces Howard to Russell 407
Suspicion of Essex by Lady Russell 408
Revelation of the "Rye-house Plot" 409

CHAPTER V.—FROM THE DISCOVERY OF THE RYE-HOUSE PLOT TO THE DEATH OF ESSEX.

The Rye-house Plot 410
Hopes of the Leaders 411
Arrest of Essex .. .. *ib.*
Sir A. Sawyer's account of the Plot .. .. *ib.*
Temperament of Essex 417
And of Lady Essex .. .. *ib.*
Insincere conduct of the Law Officers 418
Execution of Walcot, Hone, and Rouse .. .. *ib.*
Walcot's Declaration .. .. *ib.*
Rouse's Declaration 420
Holloway's Narrative .. .. *ib.*
Armstrong's Declaration 421
Evidence of Murray of Philiphaugh 422
Arraignment of Lord Russell 423
Lord Howard's emotion at Essex's death .. .. .. *ib.*
Causes of the death of Essex .. .. *ib.*
Deposition of Bomeney 424
The "Pen-knife" Story 425
And that of the "Spleen" .. .. *ib.*
Conversation of Lord Russell with Burnet 426
Theory that he was Murdered .. .. *ib.*
His Abhorrence of Suicide 427
His sending for Cooking Utensils .. .. *ib.*
Rumours of his Death .. .. *ib.*
Evidence of the Two Children .. .. *ib.*
Medical Evidence 428

Page
Change of Sentinels 429
Murder of Hawley and Meak .. .. *ib.*
Conduct of James. 430
Conduct of Essex's Widow .. .. *ib.*
Lord John Russell's Account .. .. *ib.*
Lady Essex's Reasons for Refusing Inquiry 433
Burial of Essex .. .. *ib.*
His Character 434
Appendix 437

PRELIMINARY MEMOIR

OF THE

ENGLISH GOVERNMENT.

CHAPTER I.

FROM THE NORMAN CONQUEST TO THE CONQUEST OF IRELAND.

Lanfranc obtains the favour of William. Appointed Archbishop of Canterbury. Desolate condition of the English Church. Asserts the Primacy. Is appealed against to Rome. William makes terms with the Saxons. Insurrection of Waltheof. Lanfranc's exertions to suppress it. Lanfranc saves the Abbey of St. Albans. The "Terrier," or "Doomsday Book," Origin of the Game and Forest Laws. Separation of the Temporal and Spiritual Jurisdiction of the Courts. William refuses fealty to the Pope. His Letter. His Will. Accession of Rufus. Lanfranc crowns William II. The Conqueror's Funeral. Oppression of the Saxon Clergy. Cruelties of Rufus. Building of Westminster Hall. Vices of the Normans. Death of Rufus. Henry I. Anselm. Loss of Prince William. Origin of the Plantagenets. Stephen. Henry II. Invasion of Ireland. Landing of Strongbow. Visit of Henry to Dublin. His return.

CHAP. I.

1058.

To trace the influence of the advice of any particular individual in the policy of a period of military violence, is a task so difficult, that notices of the counsellors of the earlier English Kings must necessarily be brief and meagre. The decay of learning, even amongst the highest rank of secular persons, had forced monarchs to seek for advisers in the class of Churchmen; and from the coming of the Conqueror down to the time of Henry VIII., we shall find the priesthood occupying the highest stations in the closet, the council, the parliament and the court. In the long list of these ecclesiastical statesmen of England, the first, if he was not worthy of the highest, was at least deserving of a prominent place.

Lanfranc appears at the Court of Normandy.

CHAP. I.

Lanfranc had achieved reputation in the arena of religious controversy—the only field of mental exertion open in those early times—and his sagacity and adroitness in managing delicate affairs, early brought him to the attention of the Duke of Normandy. Lanfranc was a Lombard and generally said to have been a native of Milan. His great religious work was a treatise on the Real-presence in answer to Berengarius, and he was reputed as very skiful in the Civil Law—a great accomplishment, when that famous code was laying the foundation of the jurisprudence of Europe. William had taken much notice of this accomplished monk at the court of Normandy where Lanfranc had for some time resided, marking, doubtless, the ambitious and impatient spirit of the Duke and his bands, whose excesses it was his fate afterwards to endeavour to restrain. Though he was much trusted by the King, however, he could not as a churchman approve the marriage of William with the daughter of the Count of Flanders, his relative within the prohibited degree.

Retires to Rome.

Nicholas II. had decidedly refused to sanction the marriage, and Lanfranc found it necessary to quit the Court of Normandy and retire to Rome. Here however the prudent churchman carried no enmity against Duke William. The project of seizing the crown of England—dear alike to the personal ambition of the Duke of Normandy and the pious anxieties of the Roman priesthood, were well known to him; and he saw that if the contemplated advantages to the Popedom by that measure were to be obtained, Nicholas must for the good of the general Church relax a little of her particular rules, and for the sake of extending his primatial power over a whole kingdom, approve the marriage of William and Matilda. Lanfranc laid all this before the Holy Father; shewed him that William was a man of that class that are useful friends and dangerous enemies; and the Pope accordingly granted his dispensation for the marriage. This great service reinstated Lanfranc in the affections of the Duke, and the rule of the Anglo-Saxons in England was now threatened by the allied ambition of a prince and a priesthood. How much Lanfranc had to do with the delusion of Harold on his visit to Normandy, we have no record; but the scene in the

Council of Avranches, where Harold was made to swear on a cloth of gold to bring in William as King of England, and, the cloth being removed, a collection of the most sacred relics came to view, savours greatly of the stratagem that vulgar prejudice calls ecclesiastical. This oath so strangely taken was fully insisted upon when Harold succeeded to the throne. In vain he declared that the sovereignty was not his to give. William, as an ill-used man, appealed, by the advice of Lanfranc, to the Court of Rome, and Harold denied the jurisdiction. Nor was his fear of that tribunal without foundation. Hildebrand was deep in his stupendous labour of making the spiritual primacy a territorial power, and the Norman adventurers were looked upon as the pioneers of the Popedom. The Holy See took care, that where they had obtained the actual possession of nations they should not long wish for the moral sanction. The descendants of the Sea-Kings had become the servants of the Church, and recompensed her, by zeal and courage in extending her power, for the hundreds of abbeys and cathedrals, the burning of which by their fathers had been celebrated in the romances of the Scalds.

William appeals to Rome against Harold.

The power of the Greek Emperor had been broken by warriors who fought under the flag of Peter; Italy had been taught to submit quietly to the mighty yoke; and England was marked next as the field of adventure for those new and strange allies, who appeared to propagate the universal headship, as their fathers had filled the Scandinavian treasury; missionaries, with trusty lances and "green mail barred with gold." The great cause of the Normans against Harold was argued by the conclave of Cardinals, who gave another illustration of the gravity at which the Roman wondered in the Pagan soothsayers. The judgment was, of course, in favour of the soldier of the Church, and the invasion of England authorised by the Holy See. The approval of the Pope obtained and the expedition actually begun, the occupation of Lanfranc was suspended. The conquest proceeded with unchecked rapidity, and William's prophecy, that all who followed him should be rich, was fulfilled to the letter. The lands of the Saxons were delivered over to his knights, and in his "perquisitions" of the convents he left them "neither

Invasion of England.

CHAP. I.

plough nor cup." It was not to be supposed that the conquerors would leave in the hands of the natives an instrument of opposition so powerful as the Church; and accordingly the Saxon Bishops found it necessary to fly. Stigand at an early period took refuge in Scotland, and the Pope's legate as well as William and his Barons made choice of Lanfranc to occupy his place. William who knew the wisdom and sagacity of the Lombard and his influence at the Papal Court—an influence so great that Alexander wrote that nothing but the hope of benefitting England could reconcile him to lose his company—looked upon Lanfranc's appointment as a great addition to his strength. The Legate, it seems, only recommended the appointment of Lanfranc; and William and the Barons confirmed it. The election of Bishops by the Clergy—the ancient constitution of the Church of England and Ireland—was forced to give way to the necessities of the Conqueror; and the royal supremacy was asserted by that which has since continued it—the sword. Lanfranc, thus elected, found only too great a field for his labours amongst the Norman conquerors. On his arrival, he saw no prospect around him but robbed and desolate churches. At Canterbury, the chief seat of his ecclesiastical grant, the Cathedral was in ruins—all its property carried off and all its beauty defaced by the Norman marauders; and Lanfranc though coming to enjoy the promotion for which he had laboured was struck with sadness at the sacrilegious sight. The Archbishop of York found his churches and convents similarly wrecked; and so great was the devastation, or so deep the piety, that the Normans are said to have feared to occupy the lands they had obtained from the Franks, or the Saxons to rent them as farms—a delicacy as to making profit of consecrated ground, which the title-deeds of many noble-houses show, did not prevail so largely in the days of Henry VIII.

Lanfranc chosen Archbishop of Canterbury.

Lanfranc, on his arrival, set about consolidating the jurisdiction of the English church, by asserting the supremacy of the see of Canterbury. "Kent" he said "received the gospel from Rome, and acknowledged Rome as its superior; and as York received the gospel from Kent, the same rule should apply." Thomas, Archbishop of York,

was also a Norman, and wished to stand on the ancient parity of the two Archiepiscopal sees which obtained in Saxon times; but Lanfranc refused to argue or bring proofs. Judging rightly, that an appointment by irresponsible power was only to be maintained by similar means, he told the Archbishop of York, that if he did not quietly submit, he and his family would be banished the country. This put an end to the controversy, and the primacy of Canterbury was safe. Little can be said for the manner in which Lanfranc used his great office. By arbitrary and cruel proceedings he drove out the Saxon prelates, and had others from Normandy promoted to their sees. The latter were for the most part unlearned and even military men, who disdaining the rural mode of life of their predecessors, established themselves with great pomp in large cities, and exercised unsparingly the power of life and death. An unavailing attempt was made to bring these outrages before the Roman Court; but Lanfranc, the creature of Hildebrand, was commissioned by that Pontiff to decide on the complaints preferred by the Anglo-Saxons against himself. In the meantime the policy of Lanfranc had driven the remnant of the Saxons to an ominous league, with which William found it desirable to make terms; and accordingly calling them to meet him at Berkhampstead, he "swore upon all the relics of the Church of St. Albans, his hand being upon the holy gospels, to observe inviolably the ancient, good and approved laws of the realm." In return, the Saxons took the oath of fidelity; but their destruction was too fully determined to allow any submission to avail: a devastating warfare carried on against them by the Barons and William, ended in the triumph of feudal despotism over the remains of simple liberty which the Saxons had enjoyed.

Expels the Saxon Prelates.

The essential connexion in these days between the ecclesiastical and civil government of the country, made it a matter of great importance, how the council of clergy called by Lanfranc would decide the question of allowing the liberation of the Saxon heiresses, who had taken refuge in the Convents from the outrage of the invaders. The Primate proposed the liberation, and it was carried; a step, one of the chief consequences of which, was the alliance formed by marriage between the

CHAP. I.

Normans and the English. The government was however becoming highly unpopular, and a league was formed of Normans, Saxons, and Welsh; who had nothing in common but hatred of those in power. The Saxons complained that the king had, despoiled them of their land and the Normans declared that he had not given them sufficient plunder. This strange confederacy resulted in the insurrection of Waltheof, and its event is briefly described by Lanfranc in his letter to the King; "Glory be to God on high! your kingdom is at last purged from the filth of these Bretons!" Lanfranc had by this time been left by the title of King's Deputy,* to administer the affairs of the kingdom in the absence of William in Normandy; and one of the advantages of an ecclesiastical minister was made evident, for when he sent troops against Roger de Hereford he accompanied his commission with an excommunication.†

Lanfranc made Administrator of England.

Roger however despised the curse, and met the soldiers; but to no effect. The defeat of the conspirators was signal and complete; and it was the rare fortune of Lanfranc to have first reconciled William to Rome, which forwarded his invasion—and then to have crushed the most important attempt to overthrow his power. In his ecclesiastical administration there is one bright spot; the saving the venerable abbey of St. Albans—the shrine of the proto-martyr of England. Whether this act was done from a feeling for the desolate condition of the Church, or with a desire to provide for Paul, his reputed son, it preserved till the time of Henry VIII. the existence of that noble pile and great society, half-ruined at length by the vandalism of that period when the "dark ages" became illuminated by "the gospel light that beamed

* Lanfrancus erat princeps et custos Angliæ—*Vita Lanfranci citante Thierry.*

† The excommunication ran—"Since thou hast departed from the rule of conduct pursued by thy father—since thou hast renounced the faith which he all his life kept towards his lord, and caused him to acquire so much wealth—by virtue of my canonical authority I curse thee, excommunicate thee, and exclude thee from the pale of the church, and from the communion of the faithful.

And he wrote to William on the prospects of quelling the insurrection—"With pleasure as one sent from God should we now behold you amongst us. Be not however in haste to cross the sea; for it would be disgraceful to us that you should have to come to assist us in putting to flight a handful of traitors and robbers."

from Bullen's eyes "—the flames of the blazing fanes of Scotland—and the lurid glare of the fires that burned Servetus. The degradation of Wulfstan was an act of a different kind. Lanfranc declared him unworthy of the episcopate because he could not speak French, and the Norman nobles needed teaching. It was an honest rule if it had been honestly adhered to; but the appointment by William's successors of a clergy who were ignorant of the language of their flocks, has borne its fruit in Wales and Ireland to the present hour. From about the death of William's Queen the power of Lanfranc would seem to have been declining. He probably advised the survey that produced the *Terrier* or Doomsday Book; and was doubtless consenting to the origin of a code which still survives, and far outdoes in absurdity even the usual jurisprudence of Gothic despots—the laws preserving game. Unfortunately, it is still necessary to mention, that the following account of the chronicler, refers, not to the present day but to the eleventh century.—

"In his time had men much distress. He took money by 'right and unright.' He made many deer-parks, and established laws by which whosoever slew a hart or a hind was deprived of his eyesight. He forbade men to kill harts or boars, and he loved the tall deer as if he were their father. He decreed that the hares should go free. Rich men bemoaned it, and poor men shuddered at it. But he was so stern that he recked not the hatred of them all."

The only remaining great event of the Life of Lanfranc was his coronation of Rufus; except we assume that he was the author of the following decree famous as having separated the temporal and spiritual authority of the Saxon Courts and thereby left an indelible trace of its existence, in the system of the English laws.—

Separation of the Ecclesiastical and Civil Court.

"William, by the grace of God, King of England, to the Counts, Viscounts, and all other men French and English, of all England, greeting. Be it known to you and all others my faithful subjects, that with the advice of the archbishops, bishops, abbots, and lords of my kingdom, I have thought fit to amend the episcopal laws, which, improperly and in contradiction to the canons, were, until the time of my con-

CHAP. I.

quest, in force in this country. I ordain that henceforward no bishop nor archdeacon shall resort to the tribunals of justice to plead episcopal causes, nor henceforth submit to the judgment of secular men, suits relating to the government of souls. I will that whosoever shall be summoned, for whatever cause, by the episcopal judicature shall repair to the bishop's house, or to such other place as the bishop himself shall choose and appoint; that he shall there plead his cause, and render what is right to God and to the bishop —not according to the laws of the country, but to the canons and episcopal decrees:—that if any one, through an excess of pride, refuse to repair to the bishop's court, he shall receive notice once, twice, or thrice; and if after three successive notices, he does not appear, he shall be excommunicated, and if need be the strength and justice of the king or the viscount shall be employed against him."

The second great act of policy, the effects of which were lasting upon the English constitution, was the refusal of William to submit to the see of Rome. This was doubtless an act of the King's own determination, for Lanfranc was too much attached to Hildebrand to have advised it. "The legate," wrote William to the Pope, "has notified to me that I have to send money to the Roman Church, and that I must swear allegiance to thee and thy successors. The first of these demands I admit: as for the second I neither do nor will admit it. I will not swear fidelity to thee, for I never promised it, nor did any of my predecessors swear fidelity to thine." William indeed could not forget the fact that he was really a king by force, and was neither disposed to admit that he held his kingdom by the Papal power or the popular will; as is clearly distinguishable from the terms in which he bequeaths it:—

"As for the kingdom of England I bequeath the inheritance of it to no one, for the inheritance thereof was not bequeathed to me; I acquired it by force, and at the cost of blood; I leave it in the hands of God—only wishing that my son William, who has been submissive to me in all things, may obtain it, if he please God and prosper."

It was doubtless to this feeling of having gained their

power by unauthorized force, that we may attribute the early independence of the Plantaganet Kings, and the frequent proofs given in our statute-book of their disposition to control the insolence of the Roman Church. The plunder of the Saxon lords and monasteries had been accumulated by the Conqueror to aid his future wars; and when Rufus, without waiting for his father's funeral, seized the treasury at Winchester, he found "sixty thousand pounds of fine silver with a large quantity of gold and jewels." Rufus was crowned by Lanfranc in Winchester Cathedral, and the efforts of the Barons in Normandy to dictate the succession rendered void. In the meantime William's funeral exhibited a mark of the manners of the time. When the body reached the Church of St. Stephen, at Caen, which William had built, and all the Bishops and Abbots were assembled for the funeral—a man stepped forward and demanded that he should be paid for the ground of the church which William had taken by force, before he would allow the ceremony to proceed:—

"Clerks and bishops" said he "this ground is mine; upon it stood the house of my father. The man for whom you pray wrested it from me to build thereon his church. I have neither sold my ground nor mortgaged it, nor have I forfeited it, nor made any grant whatever of it. It is my right and I claim it. In the name of God, I forbid you to lay the body of the spoiler therein, or to covor it with my glebe."

Accession of Rufus.

The Bishops gave him money, and the King (all whose servants had fled when his death was announced) was permitted to be buried in peace. In circumstances the most adverse the Saxon people had hitherto obtained some little toleration, chiefly owing to the existence of large numbers of the clergy of their own blood. The Norman ecclesiastics however were fast breaking down this last barrier against utter serfdom. Men of the most dissolute lives and even of the quality of footmen had been thrust into the English sees, and the entire system of the Saxon Church had been long despised. Lanfranc himself had undertaken as a task the destruction of the power or privileges of the Saxon Courts; and in proportion as the position of the native clergy became reduced, were the sufferings of the people exaggerated.

CHAP. I.

The government maintained by William Rufus much more resembled the plunder of a defeated province than the rule of a kingdom. No property, even to the meanest hinds was safe; and when they had been totally stripped of their goods, William demanded their labour in his project of beautifying the metropolis. The repairs of the Tower and its fortifications, the building of a bridge over the Thames, and the erection of the great monument of Rufus—Westminster Hall, caused the plunging of the Saxons into Egyptian thraldom. They were compelled to quarry and carry stone for the new works and forced to cut down and transport timber; the Norman artificers contenting themselves with overseeing the labour of the native slaves. The Saxon Chronicles are eloquent in grief at the state of the nation.—

Bondage of the Saxons.

"The counties upon which these forced labours fell were grievously tormented; each year passed by heavily and mournfully, on acccount of numberless vexations and multiplied contributions."*

Avarice and cruelty were, as is usual, the concomitants in the Normans, of sensual vices; and these were apparent chiefly in those who held power in the Church. William himself, however, by his personal profligacy, had struck a terror recorded graphically by the simple chroniclers quoted above.—

"Their ill usage of the fathers of families, their insults to the wives and daughters, were too shameful to relate; so that on the first rumour of the king's approach every one would fly from his dwelling and retreat, with whatever he could save, to the depths of the forests and into desert places."†

The fear of retaliation was extinguished in the minds of the Normans, and the terrors of superstition were as yet regarded little. Visions of Abbots, William rewarded by a joke, and warnings by a laugh; and the bondage into which he had brought the people was so grievous, that no effort was made to stay wholesale slaughter of such of the Saxons as had retained their land. Thierry on the authority of Caedmer anno-

* Thierry's History of The Norman Conquest. † Ibid.

tated by Selden, relates that some fifty Saxons, having enough wealth to tempt the cupidity of the King, were accused of that early and long surviving class of, what the lawyers call, "prohibited evils"—a trespass against the game and forest laws. They were ordered to be tried by a criminal tribunal for having hunted in the King's forests and killed the King's deer. They denied the charge and demanded the ordeal of heated iron. The historian tells us the incredible tale that follows:—

"On the day appointed they all suffered this sentence in its utmost vigor; it was a painful sight to see; but God, by preserving their hands from any mark of burning, clearly showed their innocence and the malice of their persecutors. When it was related to William that after three days the hands of all the accused appeared unseared, 'And what then?' returned he; 'God is no judge of these matters; such affairs concern me; and it is I who must judge them.' The historian is silent concerning this new sentence and the fate of the unfortunate Englishmen, whom no pious deception was any longer available to save."

If we smile at the credulity that believes in the trial by ordeal, the passage shews at least of what cruelty and profanity Rufus was thought capable, and what tales relating to him were certain of ready and cordial belief. The history of his short reign and the violent lament of all the contemporary chronicles over his wickedness, give colour to the belief that his death in Boldrewood was not merely the result of an accident, and that "Tyrrel's shaft" was not "at random sped."* The Saxon chroniclers are at best controversial writers on any matter relating to the Conquerors; and the exclamation attributed to Rufus "Shoot! in the Devil's name! shoot!" partakes too much of monkish melodrama. The death of Rufus was followed by the usual seizure of the treasury by his successor Henry. He did not, however, obtain possession without opposition, the partizans of his brother Robert disputing his right. The unstable nature of the usurping power is always favourable to the enslaved, and

* A tradition, it is said, exists in the families of Tyrrel in Ireland, whither Sir Walter Tyrrel in all probability fled—that the death of Rufus was the result of a conspiracy.

CHAP. I.

Henry showed that the Norman's extremity was the Saxon's opportunity. He addressed them, according to Matthew Paris, as liege subjects, saying—

"My friends and faithful subjects, natives of this land, in which I also was born; you know well that my brother seeks my kingdom. He is a proud man, who knows not how to live in peace; he manifestly contemns you; he calls you cowards and gluttons, and desires only to trample you under foot. But I, like a mild and peaceful king, purpose to maintain your ancient liberties, and to govern you after your own wishes, with moderation and wisdom. I will if you desire it sign a writing to this effect, and will confirm it by oath. Stand by me, then, faithfully; for, if English valor second me, I fear not the vain threats of the Normans."

All this was new language to the Saxon serfs. It was long since they had heard friendly words from the lips of a king, who called himself also their countryman; and their joy was redoubled on learning that Henry was about to marry Matilda, the niece of King Edgar. This royal marriage was the earliest in the series of such events that have had so great influence on English history. The Normans bitterly opposed it, and declared that Editha had been sworn a nun. In this weighty question we have the first prominent appearance of Anselm the successor of Lanfranc. Anselm and his council decided that she was not professed and celebrated her marriage with the King. An attempt at invasion was made by Robert, but was soon extinguished by the mediation of Norman nobles. It does not appear that the Saxons gained much by the new alliance of the King, for the historians continue to complain almost in the same terms which they applied to his predecessors. Grievous contributions were inflicted, for the dowry of his daughter Matilda when she was betrothed to the Emperor; and the distress of the people was aggravated by scanty crops, the result of the neglect of husbandry in time of war. On Henry's first return the loss of his son by shipwreck bore grievously upon his mind, but not so much it seems on the minds of those who lived in terror of his succession. The chroniclers spare no language in exposing his alleged crimes

Anselm.

and vices and his hatred of the Saxon people, though of his mother's race.* The Empress Matilda, daughter of Henry, having become a widow, returned to the English court, where the Normans continued to her the style of Empress. To her, Henry, deprived of his legitimate male issue, intended that the crown should devolve; and accordingly, at a great Christmas banquet at Windsor, he invited all the Norman Barons to swear fealty to her. The chief of these in apparent alacrity, was Stephen of Blois. He was, says Matthew Paris, first of all. At this time the Crusades were rising to the height of their popularity, and abdication of sovereign princes was not uncommon, that the chivalrous monarchs might take the cross and go to Palestine. Henry had just prepared for the succession of Matilda, and according to Thierry—

Origin of the Plantagenets.

"In the same year, Foulks or Fulk, Count of Anjou, led away by the new enthusiasm of his age, constituted himself, as the term was, a soldier of Christ; marked his coat of mail with the cross, and set out for Jerusalem. Being uncertain of his return he delivered over his country to his son Geoffry, surnamed *Plante-Genest,* or Plantagenet, from his custom of placing a branch of this flowering shrub, or yellow broom in full blossom, in his cap or helmet by way of plume."†

Henry, anxious that his daughter should not be the last of his line, resolved to marry her to this Geoffry Plantagenet; and concluded the marriage without consulting the Norman Barons. From this union came in 1133 a son, called from his mother's rank Henry Fitzempress—the famous Henry II. Again the Barons swore fealty to this child, and two years afterwards Henry I. expired. Stephen now lost no time in

* "Thou hast seen Robert de Belesme, the delight of whose soul was murder; thou hast seen Henry Earl of Warwick, and Roger his son, whose soul was base; thou hast seen King Henry, the murderer of so many men, the violator of so many oaths, the gaoler of his brother. But thou wilt perhaps ask me, why, in my history, I have so extolled this same Henry. I have said that he was remarkable among kings for his prudence, his bravery, and his wealth; yet these kings to whom we bind ourselves by oaths, before whom the very stars of heaven seem to bow down, and whom women, children, and stupid men throng eagerly to view as they pass by, are not surpassed in their faults by any man in their kingdom; and this it is which makes the regal office appear criminal in the eyes of some."—*Anglia Sacra.*

† Thierry's History of The Norman Conquest. Book VII.

CHAP. I.

setting up his claim as a descendant of the Conqueror, and was elected by the Barons and Prelates; the latter asserting that the oath of fealty to the infant Henry was not binding, because the marriage had been bad without the consent of the Barons. The approbation of the Holy See was also not wanting; and Innocent discovered a greater regard for the rights of election to the kingly office than might have been expected from the Pope:—

"We have learned," writes Innocent II., "that thou hast been elected by the common wish and unanimous consent both of the nobles and of the people, and that thou hast been anointed of the prelates. Considering that the suffrages of so many men cannot have been united in thy person without the especial co-operation of Divine grace, and that, moreover, thou art akin to the late king in the nearest degree, we look with satisfaction on all that has been done in thy favour, and adopt thee with paternal affection as a true son of the blessed apostle Peter, and of the holy Roman Church."

Accession of Henry II.

This line of argument the Pope did not long maintain; for he declined to absolve Henry's illegitimate son from his oath of fealty to his sister Matilda; and after a long and various war the sword of the Barons again decided that Henry Fitzempress should succeed Stephen. Henry II. came to the throne, popular with all factions, and announced by dreams, auguries, and prophecies. The earlier history of Henry the Second's reign is little more than a record of the quarrel with A'Becket, a profitless study in the annals of English history; inasmuch as it was followed by no permanent results, not even by that renewal of the Conqueror's policy as to ecclesiastical jurisdiction, the attempting of which first provoked the outfall. Henry had, however, contemplated an adventure to render his reign illustrious; a conquest which Thierry truly describes, as "almost as important as that achieved by the Norman William, his maternal great grandfather"—the conquest of Ireland. This had been a project entertained by Rufus, but never attempted to be put in force;—

"For Tyrrel's shaft at random sped,
That kingly longing quieted."

Henry in his preparations imitated those of William for the

invasion of England; and Nicholas Breakspeare being Pontiff, by the title of Adrian the Fourth, he obtained of him a gift of Ireland, on condition of "forcing the people of that country to good morals," and seeing that "the Church be adorned with fresh lustre." This bull he kept quietly for a better season; and in the mean time looked about him for the opportunity to avail himself of its self-assumed power.

Invasion of Ireland.

The high state of civilization to which Ireland had at an early period attained is not now denied, notwithstanding the exaggeration of misguided patriotism, or the assertions of illiterate hostility. In every district of the country arise hoary works of art, of which "history cannot tell the origin, and chronology knoweth not the time,"—works evidently of a great and accomplished people. That this civilization had entirely disappeared in the twelfth century is not only contrary to reasonable deduction, but can be refuted by historical fact. The pomp described by the Norman writers who have left any record of the early expeditions of the invaders, was rude no doubt but not barbarian. Letters and sciences still had refuge in the ecclesiastical houses. Arts, such as chiefly assist warfare, had in no way deteriorated; and it may be truly said, that the condition of the body of the Irish people was not inferior to that of the Saxon population, over whom the newly arrived Normans exercised a rule that has since become proverbial. That the project of invading Ireland had early engaged the attention of the Norman kings is clear, not only from the declaration of William Rufus, recorded by Camden' "I will bringe my shippes and I will conquer that land," but from the intimate relation of the Vi-kings of Dublin with the English monarchs, whom they served, as did the Vi-kings of Man, in wars against the Welsh and also in Normandy. It is no violent conjecture to suppose that those tribes who subsisted by conquests, should dilate to their Norman employers on the opportunities which the internal discords of the Irish afforded to a foreign invader; and it is probable that the conquest of Ireland would have been earlier attempted, had not the English kings been occupied in the more important wars of France.

About 1150 Dermot Mc. Murroagh was crowned King of

CHAP. I.

the principality of Leinster. The Irish supreme monarchy had sunk into weakness since the death of Brian Boroimh in the battle of Clontarf; and though nominally possessed by O'Connor, was held in little regard by any turbulent prince who thought himself able to resist its authority, or aspire to its position. Mc. Murrough, on his accession, displayed little disposition to consult anything but the dictates of his own pride and revenge. He made war immediately upon Brodac, King of the Danes of Dublin, and not without reason; for the Ostmen had slain his father by treachery, and buried him with a dog. He "overran and spoiled Dublin, and bore a greater sway over it than any other king had done for a long time." This success inflamed the ambition of Mc. Murrough. He conquered the chieftains O'Carroll and Macmahon, and carried off the wife of O'Ruarc, Prince of Breffny, an event immortalized by the muses of history and song; but, alas! for Moore's immortal fiction,* the lady was threescore.

These excesses created a league against Mc. Murrough. O'Connor, the nominal King of Ireland, assembled a number of chieftains, and being joined by the Danes of Dublin, defeated the Leinster chief in several engagements, the last of which decided him to fly; and getting a ship at Wexford, he crossed the channel to Bristol in the year 1168. At this time Henry II. was pursuing the war in Aquitaine, but he had not been unmindful of the cherished scheme of invading Ireland. Nicholas Breakspeare, an Englishman, sat by the title of Adrian IV. on the Papal throne, and by him Henry had been granted a bull by which the sovereignty of Ireland was conferred upon him, on condition of his labouring for its reformation—an office strange enough for the murderer of A'Beckett. Dermot was received by Henry with little apparent satisfaction, and the utmost assistance which he obtained was the grant of letters permitting English subjects to volunteer to his assistance. With these letters Mc. Murrough returned into England, and by the offer of a grant of the town of Wexford, and a territory of land obtained the assistance of

* "The valley lay smiling before me."—*Irish Melodies.*

Maurice Fitzgerald and Robert Fitzstephen, who agreed in the following spring to invade Ireland with a body of English and Welsh. Though in the order of time, Fitzgerald and Fitzstephen were the first to perform this promise of assistance, yet a much more important character in the history of Ireland, had previously undertaken to afford aid to the Leinster prince. This was Richard de Clare, Earl of Pembroke, Strigul, and Chepstow, known to posterity by his personal name of "Strongbow," and vulgarly called the Conqueror of Ireland. Strongbow had dissipated his fortunes, but without enervating his military spirit. He was bold, daring and adventurous, the fit object of the solicitations of the fugitive prince. From this nobleman, Mc. Murrough by the promise of his daughter in marriage, and the inheritance of the throne of Leinster, obtained an undertaking to lead the invasion; upon the gaining of which he returned privately to Ireland, and hid himself in the convent of Fernes, which he had founded in his prosperity. Confident in the promised foreign assistance, Mc. Murrough rashly assembled a few adherents, and attempted to reclaim his throne; but, being defeated, he agreed to accept a small portion of his ancient territory, to hold immediately of the king O'Connor. The spring, however, changed the apparent humility of the defeated prince; for in the month of May, A. D. 1169, at the little creek of Bann, in the county of Wexford, landed Robert Fitzstephen, with thirty knights, sixty men in mail, and three hundred archers, the first English invaders that had ever set foot in Ireland. On the same day came, according to his promise, Maurice de Prendergast, with ten knights and sixty archers, and both speedily sent to warn Mc. Murrough of their arrival. With joyful activity, at the head only of five hundred men, Dermot joined his new allies, with whom had come Harvey de Monte Marisco, the uncle of the Earl of Pembroke. Small as this force was, it immediately marched against the town of Wexford, then held by the Dano-Irish, and setting fire to the suburbs, made a breach and captured the city. On the capture of Wexford, Dermot performed his promise of conferring the lordship of it on Fitzstephen and Prendergast, and then conducted his allies

Richard, Earl of Pembroke, surnamed Strongbow.

Landing of the English

CHAP. I.

to Fernes, where they feasted unmolested for several days. Encouraged by the supineness or terror of Roderic the Irish king, Dermot again gave himself up to personal revenge, and marched with the Anglo-Normans against the chieftain of Ossory, whom he defeated with great slaughter. Even the vacillating Roderic was now forced to act; and the invaders, fearing more serious work, probably refused to expend their force in wreaking the private wrongs of Mc. Murrough, drew off their forces, and retired to Fernes.

The last Irish king, Roderic O'Connor, had called a conference of subordinate princes at Tara, which afterwards retired to Dublin. The chieftains who attended were numerous and powerful—infinitely more powerful than could have crushed utterly the invading force, and all the followers of Dermot; but the genius of Ireland was upon the council. It ended in a controversy and a quarrel. O'Neil, with his forces retired to Ulster, and O'Carroll to Oriel; and Roderic was left with no other assistance than the Danes of Dublin, and O'Ruarc of Breffny. Still his force was immense, in proportion to that to which it was opposed, had it only been endowed with half the spirit, or its leader with half the determination of the Anglo-Normans. Obviously, however, this was not so. Roderic sat down before Fernes, wasted time inactively, and at length agreed to restore Mc. Murrough to the possession of Leinster, on condition of his becoming his liegeman, and giving as a hostage one of his sons; Mc. Murrough also undertook to invite over no more of the English. The treaty was hardly made, however, when there arrived from England another small force, under Fitzstephen's brother. Dermot flew to receive these new allies, and with their assistance captured Dublin, which he gave up to fire and sword. With new successes, his ambition kindled once more, and he determined to solicit from Strongbow the fulfilment of his engagement, with a view to seizing on the supreme monarchy of Ireland. Gerald Barry, better known by his latinized title of Cambrensis, and who has done more for the falsification of history than most men have had it in their power to accomplish, gives a highly poetical, but, most likely, imaginary copy of the letter from Dermot to

the Earl of Pembroke. Strongbow replied at once to the request, by sending as his advance, Raymond Fitzwilliam, surnamed le Gros, the nephew of Fitzgerald and Fitzstephen, having under his command ten knights, and seventy archers. These being joined by the Anglo-Normans, attacked the city of Waterford, and were guilty of a massacre, which, says Lord Lyttleton, "stains the whole glory of their honorable victory." This massacre was done by the advice of Harvey de Montemarisco; and was the first development of a theory of government, that bore a melancholy domination in Irish councils for many a hundred years. How often has the same advice preceded severities, as cruel as they have been ever useless. "Strike terror," said he, "into the Irish."

Strongbow disembarked at Waterford.

Strongbow had now assembled a considerable force; and, on his march from Chepstow to St. David's, numbers were crowding to his standard. At Milford Haven he received Henry's commands to abandon the expedition, but these he determined to disobey; and, on the eve of St. Bartholomew, he disembarked near Waterford, with an army of one thousand men, and two hundred knights. Waterford had resisted le Gros, though he had brutally murdered the citizens taken in a sally; and it, Strongbow proceeded to reduce. The city offered but little resistance to so large a force, and all found in the streets were put to the sword. In the midst of the smoking ruins of the sacked city, Dermot fulfilled his promise of bestowing his daughter on Strongbow in marriage, and the nuptial festivities were celebrated in the camp. At the conclusion of these ceremonies, the allies decided to seize upon Dublin; and Strongbow displaying the standard of Leinster, they began their march from Waterford. The Irish, in great force, had been planted in the woods which surrounded Dublin, and covered the line of Strongbow's march; but their notions of warfare were but badly able to cope with one of the captains of Aquitaine and Anjou, and by a stratagem he passed over the mountains of Wicklow, and appeared before the capital; the affrighted inhabitants of which, having depended upon the Irish to keep back the invaders, could conclude no otherwise on sight of Strongbow, than that the forces of king Roderic had been annihilated by

St. Lawrence of Dublin.

CHAP. I.

the English. In this panic, they sent out to the enemy, to beg a peaceful settlement, a churchman, whose name though once of a higher memory than A'Beckett, and a wider fame than Wolsey, seems to be forgotten now in England; for when, after the lapse of seven hundred years since he had died—a pilgrim in a strange country—a monarch who inherited the throne of the Plantagenets, visited, by accident, his foreign tomb, there was none that could tell her that the dust that slept below, had once enclosed a soul that stood fearlessly against the proudest of her royal line, even when that king came armed with the approval of the Holy See.* While St. Lawrence O'Toole was yet endeavouring to save the horrors of a siege, Raymond le Gros and Milo de Cogan carried by assault a portion of the walls of the city, and soon were spreading havoc and desolation through the streets. Hasculf, the Danish governor, and some chief men of his class, were enabled to put to sea, and escape to the Orkneys; but Dublin had fallen into the hands of the English. On the occurrence of this event, Mc. Murrough, who seemed to consider the war to be only for his personal objects, led Strongbow to the wasting of Meath, the territory of O'Ruarc; where no sanctity of place or person protected them from their attacks, several churches having been given to the flames. Mc. Murrough now proclaimed himself king of all Ireland, and so provoked king Roderic's wrath, that that weak monarch ordered the execution of his son and grandson, whom he had given as hostages for his observance of the treaty of Fernes.

Henry II. recalls the Adventurers.

At length, the progress made by the arms of his half-commissioned subject, Strongbow, began to give alarm to Henry II.; and the English adventurers were startled by a proclamation, commanding all and several to return home before the feast of Easter, and forbidding any other of the king's subjects to pass into Ireland. On receipt of this proclamation, Strongbow despatched le Gros to the king with a letter, stating that all that he had won he was prepared to

* When Queen Victoria visited Louis Phillipe, at Eu, she inquired who was St. Lawrence, of Dublin, whose tomb was in the church, and none in either Royal *suite* could inform her.

return to the king, "to be placed at the disposal of his absolute will and pleasure." Henry received the ambassador coldly and made no reply. In the meantime the great cause of the invasion, Dermot, king of Leinster, died at Fernes, and Strongbow was proclaimed his successor, contrary to the Irish law. The earl had gone to his new territories, leaving Dublin in charge of Milo de Cogan, who in his absence defeated a maritime attack of the Danes, and put Hasculf, vice-king of Dublin to death; an event that greatly tended to the advantage of the English colony, now hardly pressed by Danish and Irish assailants, and daily deserted by the lower orders of the Irish, who then as now strongly attached to individual leaders, considered the death of Dermot as releasing them from the obligation to follow Strongbow. This time was the moment at which the Irish chieftains, had they been unanimous, could have easily swept from the country the few adventurers, who had in a time and manner so unexampled, made a footing on the soil. This fact was obvious to the dauntless churchman, St. Lawrence O'Toole. He passed from castle to castle, imploring, entreating, persuading the chiefs to a union, to effect the overthrow of the Anglo-Normans; and his eloquence was not without effect. A league to drive out the English, was by means of the Archbishop formed, not only among the Irish, but it included Godred, king of Man, and the Ostmen of the Isles. News of this league reached the Anglo-Norman King of Leinster, at his palace at Fernes, and he saw the fruit of his splendid successes about to vanish from his grasp. Strongbow was not, however, to be so easily defeated. He suddenly quitted Fernes and appeared in Dublin, attended by Fitzgerald and le Gros, who had just come from the court of Henry. In a few days the Irish allies invested the city, but without attempting to carry it by storm. Famine, however, was likely to set in among the English, and their allies at Waterford were besieged. Strongbow resolved upon a sally; and his force issuing from the city by three different gates, put the besiegers totally to flight, and returned to Dublin. After various skirmishes, of little importance to be here detailed, and which ended invariably in the defeat of the

Henry determines to visit Ireland

CHAP. I.

Irish, Strongbow determined to present himself before Henry II., and for that purpose sailed for England. Henry had now determined to visit in person his new territories; and to secure the attachment of his powerful vassal, he received Strongbow with much distinction, and proposed to cross into Ireland in the spring. The expedition of Henry was little else than a progress to receive submissions; one of the earliest of which was that of O'Brien, king of Thomond, who entered into a league with the English king. After receiving the towns and territories from the hands of his vassals who had conquered them, or received them from Dermot, and granting them back by feudal tenure, Henry proceeded to Dublin, where he kept his Christmas (so reduced was the city) in some houses hastily constructed of clay and wattles. Henry ordained in Dublin several laws for the government of the Pale; and it had been well for Ireland had he been able to remain longer, for the purpose of becoming acquainted with the people, the government of whom had been so easily won by the arms of his knights. It is not improbable that the sagacity of Henry would have seen the misery certain to arise, as arise it did, from making a whole people outlaws upon their own soil, and enemies in the land of their fathers. Time was not, however, left him for such works of wisdom. News of the intended rebellion of his son reached him in Dublin; and he had scarcely landed in Wales, when he was met by the intelligence, that the Pope was about to lay his kingdom under an interdict, for the murder of A'Beckett. Instead of being occupied in the high calling of enacting laws for his newly allied people, the King of England was in a few days walking barefoot, staff in-hand, to do penance for a crime that he denied committing. A new race had now got possession of Ireland—not the least distinguished of the Norman blood which had subdued the Saxon English. Proud, avaricious, faithless, intriguing, brave, they were more than a match for the simple-mannered, but proud and brave chieftains, who ruled the native clans. Treaties and alliances were soon set at nought, and separate adventurers, on their own separate accounts, were plying the sword all over the kingdom. Thus was the already

Ordains laws at Dublin.

Returns to England

incipient barbarism of the Irish people forced to its increase. New barbarities marked the course of the Anglo-Normans. The Irish, by universal admission, then as now, a devout people, greatly reverencing learning and the church, saw for the first time, a warfare that delighted in outrage upon both. Burning fanes and plundered colleges marked the course of those, to whom Adrian IV. had granted Ireland, that they might reform it; and broken treaties, and despised pledges, hardly served as a lesson of good faith.

CHAPTER II.

FROM THE DEATH OF HENRY II., TO THE RISE OF WOLSEY.

Causes of the Confederacy of the Barons.—Magna Charta and its Provisions.—Death of John.—Origin of voting supplies.—Institution of Knights of the Shire.—Death of Montfort.—Deposition of Edward II. —Sedition of the Serfs.—Commencement of Impeachments.—Star Chamber founded.—

CHAP. II.

THERE is little doubt that the Saxon laws and customs had been gradually becoming popular with the Norman conquerors, and that the laws of Henry II., such as that establishing the circuits of the Judges, and allowing the Grand Assize were little more than declaratory of a code previously existing. The state of the Government, however, at the commencement of the short and romantic reign of Richard I., was still one of mere military force. It was as yet force not concentrated in the hands of the Crown, but divided amongst the powerful barons, whose vigorous use of it in the following reign laid the foundation of English Liberty. This strength of the Barons was greatly supported by the spirit of chivalry that had been evoked in the crusades, as well as by the feeling that the title of John was unjust and his reign a usurpation. John had made the mistake of giving his confidence to, and filling his court with foreigners, whose rapacity excited the indignation of the Barons and the hatred of the common people and gave the first impulse to the formidable league in which they engaged. The pusillanimous surrender, by the king, of his whole realm to the Roman court did not tend to abate the zeal of the nobles, or to consolidate the Royal power. In addition to the usual depredations committed on the people, the exaction to pay the ransom of Cœur-de-Lion had created infinite discontent, and the clergy allied themselves with the mal contents in the fear that John's Poitvin favourites might

Causes of the confederacy of the Barons.

hurl them from their sees as they had hurled out the Saxon Bishops. The full belief of the murder of Arthur having been committed by the hands of John himself, gave the last element to the strength of the insurgents, by adding to the motive of political expediency, the stimulus of personal disgust. The Annalist of the period, thus particularly describes the circumstances of Arthur's murder, as they were popularly believed at the time.

"John being at Rouen, in the week before Easter, 1203, after he had finished his dinner, instigated by drunkenness and malignant fiends, literally imbrued his hands in the blood of his defenceless nephew, and caused his body to be thrown into the Seine, with heavy stones fastened to his feet; and the body was notwithstanding cast on the shore, and buried at the Abbey of Bec, secretly, for fear of the tyrant."*

If anything was wanted to complete the universal hatred of the King, his personal vices filled up the measure, and the league against him became general. Its objects however though apparently understood were not defined, and its means of action not agreed upon, till Stephen Langton the Primate, whether having discovered a charter of Henry I., or having put together the principles of the liberty conceded by that king, jurists are not agreed,—assembled the Barons, at St. Paul's and laid before them the reforms on which they ought to insist, for future security against the encroachments of the Crown. Action was precipitated by a particular crime of the king against Eustace de Vescey. The Barons bound themselves by an oath not to lay down arms till they had compelled John to grant by a charter, the confirmation of the liberties promised by Henry I. They elected Robert Fitzwalter "Marshal of the Army of God and Holy Church," and obtained the alliance of the city of London. John had nothing to oppose to this Norman League, but the services of Poitvins. The Barons threatened, by the capture of all his castles and his lands, to compel him to obedience. A bull of the Pope fell harmless when aimed against the great confederacy. John surrendered his position of defiance, and on

Primate Langton harangues the Barons.

* Ann. de Margan.

CHAP. II.

Magna Charta and its provisions.

the 19th of June, 1215, granted the Great Charter at Runnymede. The securities for the Charter, if they were rude were well calculated to be effective. The king was compelled to surrender the city and tower of London, and to have five and twenty Barons appointed, to see that it was not infringed. Of the provisions of Magna Charta, a great number apply to evils, which, though, at the time it was granted they were serious, yet were so short-lived that the concessions affecting them had little permanent effect upon the constitution. Relating however, to these feudal imposts now long obsolete, we find declared in the twelth section, the principle of taxation which still prevails in England. "No scutage," says the section, "nor aid shall be raised in our kingdom, but by the general council of the kingdom."* Though the provision as to taxation did not go the length of the subsequent statute of Edward I., it nevertheless asserted the principle of a public consent for the laying on of imposts. Another section provided for the assembling of the council of the Nation. "We shall cause the prelates and greater Barons to be separately summoned by a letter; and we shall direct our Sheriffs and Bailiffs to summon separately all that hold from us in chief; and we shall take care to publish the cause of the summons in the same way, and give forty days notice of the meeting." In a further article the germ is found of the Habeas Corpus and the trial by jury:—"Let no freeman be imprisoned, or outlawed, or in any manner injured, nor proceeded against by us, otherwise than by the legal judgment of his peers, or by the law of the land."† The great principle of avoiding delays of justice, which is by our law a crime, is laid down in the article—"We shall sell, delay, or deny justice to none;" and we have still the just and useful principle of not distraining the tools of an artificer, nor the books of the scholar. In another section,—"A freeman shall be amerced in proportion to his offence, saving his contenement, and a merchant saving his merchandize, and the villain saving his wainage."

John, however, had no idea of abiding by the grants thus extorted by force. He applied to the Pope, who absolved

* Articuli, Magnæ Cartæ, sec. 12, sec. 20.

† Articuli Cartae Regis Johannis, sec. 39. Ibid

him from his oath, and excommunicated the barons twice; first in a general bull, and then by name, designating them as worse than Saracens—the most contumelious comparison that could be found in the age of the Crusades. All was now prepared for civil war. The king and the barons had made levies and taken the field;—the latter proposing to make Louis, the son of Philip Augustus, king of England. Louis had accepted the offer, and actually arrived at the head of a considerable army. While, however, an engagement was pending, which might have changed the dynasty, John was seized with an illness and died at Newark, on the 18th of October, 1216. Though the late king had in this latter war been supported by the Pope, and all the power of the Holy See, the monkish historians do not spare his memory; and Matthew Paris declares in a line of more classical merit than usual, that his spirit would pollute Hades itself:—

"Sordida fœdatur, fœdante Johanne Gehenna."

The barons having served their present purpose by the aid of Prince Louis of France, desired to get rid of their dangerous ally. Some, however, thought that they were bound in honour to the French Prince, but the majority declared for Henry, the eldest son of John by Isabella of Angouléme.

"We have," said Pembroke, the Earl Marshal, "persecuted the father for evil demeanour, and worthily; yet this young child whom ye see before you, as he is in years tender, so he is innocent of his father's doings. Wherefore let us appoint him our king and governor, and the yoke of foreign servitude, let us cast from us." The advice was taken, and the French, who held out some castles, were compelled to capitulate and quit the kingdom.

Henry was only twelve years old; and Pembroke, one of the wisest men of that time, and whose statesmanship was indeed of a high order, was appointed regent or protector. One of the first acts of Pembroke was to transmit to the sheriffs, copies of the great Charter, and to confer the Charter upon Ireland; in which country he was prince of Leinster, in right of his marriage with Isabella de Clare, the heiress of Strongbow, the Conqueror.* On the death of the Marshal

Charter conferred upon Ireland.

* Patent Rolls of Henry III. In the transmission of the Magna Charta to Ireland,

CHAP. II.

and under the protectorate of Hubert de Burgh, was called a council under the terms of Magna Charta, from which the crown asked a subsidy of a fifteenth, to meet the expenses of the recapture of Rochelle. At this parliament began the simple and effectual system of causing the necessities of the crown to minister to the liberties of the people, by making the voting of the supplies conditional upon the redress of grievances. The great Charter was confirmed by statute of this council, or parliament on the 11th of February, 1225, and stands ever since at the head of the statutes of the realm. Popular power may even thus early be seen to make some progress, though it only appeared in the hands of the highest rank of the people. Henry had been declared of age, and began a career of great extravagance. The council of barons, from giving supplies on condition, took further courage and refused them altogether; sending the Earl of Chester to tell the king, when he complained of poverty, that they were as poor as he, and from the same cause—his own extravagance. In the meantime the evil of the late reign—the influx of foreigners began to reappear. Henry, whose mother was a Poitvin, filled his court with such retainers, and the power of De Burgh greatly decreased. At length, after an attempt at the minister's destruction, Henry dismissed Hubert to make way for a new favourite, Peter, bishop of Winchester, who was a native of Poictiers. The bishop's government was short and violent. The barons refused to attend parliament, alleging intended treachery of the crown; and Richard, Earl Marshal, fled to Ireland, where he was by the lords justices treacherously slain. Henry now saw that he was going too far, and dismissed the bishop of Winchester from his councils. His marriage with Eleanor of Provence, however, in 1236, brought again further numbers of foreigners, whom, in contravention of the Charter, he promoted to high offices in the state, and he began to exact money without the consent of the kingdom which he had sworn to require. A parliament in 1242 had

Origin of voting supplies.

a curious fact appears, viz.—that Henry not being of age had no great seal. The letter of the king, says the Charter, is "sealed with the seals of our Lord Gualo, legate of the Apostolic See, and of our trusty Earl William Marshal, our Governor, and Governor of our Kingdom, because as yet we possess no seal."—*Quia sigullum nondum habuimus.*

refused him his request for a separate assessment of the clergy and laity; and in 1244, he was no more favourably dealt with. He now had recourse to arbitrary extortions from the Jews, and the common people; and a new and much more formidable league of the nobles was set on foot. Although a cry against foreigners was one of the bonds of union of this league, it came to be commanded by Simon de Montfort, a Frenchman, to whom we are indebted for the establishment of the representative system in parliament. De Montfort, though married to the king's half sister, had early intended, it would appear, to curb the license of the crown. He was present when Henry was compelled to swear to observe the Charter in the parliament of 1253, in Westminster Hall:—"as he was a Christian man, a knight, and a king crowned and annointed".* The oath however was of no avail; the arbitrary measures, still prevailed, as though it had never been taken. In 1258 therefore, at another parliament at Oxford, it was agreed that twenty-four barons, twelve chosen by the king, and twelve by the parliament should be empowered to redress grievances; and that those twenty-four should be informed regularly of violations of the law, by four knights elected by each shire.† From this arrangement the king again receded, and attempted to get the prince to join in the violation of his oath, but in vain. The barons defeated a sudden attempt to avoid the performance of his promise, and at length it was agreed to refer the question to St. Louis, king of France. The award of the French king was only a reduction of affairs to the same condition as before the parliament of Oxford, and the dissatisfaction of the barons broke out with great violence anew. The muster roll of those who rose at this time to control the Crown includes the great majority of the greater barons. Their warlike precautions, their strength and bravery triumphed for a time; but in the battle of Evesham, Simon de Montfort fell, and his party was defeated,‡ without however, the extinc-

Simon de Montfort.

Institution of Knights of the Shire.

* Rymers' Fadera I. 375. 377. 381 † Matthew Paris 746.

‡ It is curious to trace thus early a jealousy not yet extinguished. The Barons, the Chroniclers say, contributed to this defeat by their insolence to the citizens of the great towns. The Norman Barons were incensed at their assumption of Baron, as Esquire taken in our day, and vented their bad temper in bad Latin. "*Rustici Londonienses se barones vocant ad nauseam. Rer. Angl. Scrip.*

CHAP. II.

tion of the great innovation which he had made in the previous state of the Constitution. Of the effects of that change, he probably knew as little as did the Kings who acceded to it; but that he was a benefactor to the people seems to have been fully impressed upon his contemporaries. "Be it known" says Mathew Paris "that no man in his senses ever called Simon a traitor, for a traitor he was not, but a defender of the realm of England, and an enemy and expeller *(expulsor)* of strangers though he himself was an alien." Another chronicler records that Simon de Montfort was not less a martyr of English Nationality than was Thomas A'Becket of the English Church.* There is little doubt that he would have a long time to search who tried to find the exact form of the present parliament in the "four knights for each shire" of Simon de Montfort; but the great alien "roughhewed" the model of representative institutions however it has been shaped at last. The exact mode in which our parliament came to take its present form, is a study more curious than profitable. The origin of that form is of more importance, and that origin is undoubtedly referable to the efforts of Simon de Montfort. Parliament was however, as yet, but the expression of the will of armed men. Whether Barons or burgesses, found the best dependence to enforce obedience in the bow and the spear, and the King and his council whether hereditary or representative were far from ruling by any general or admitted consent. The reign of Henry III. which now concluded, owed certainly none of its lustre to the king.

Death of Montfort.

Edward I.

The history of Edward I. has little more to do with the progress of the constitution than the fact that, he wisely adopted the plan of De Montfort, in calling a lower grade than the Barons to Parliaments and if we consider the state of learning at the period, we shall probably be ready to conclude that representation and intelligence were not in a very inadequate ratio. In this reign Parliament was put to the purpose of condemning open enemies, a function thus conferred which has not been often used. The trial or rather sentence of Llewellyn Prince of Wales, at Shrewsbury, is an instance of the rudeness of the notions of the times.

* *Chron. de Mailros. Rerum Angl. Scrip.*

It is a remark often made that, the greatest of our liberties, have been won from the worst of our kings, from *Magna Charta* to *Habeas Corpus*. It is not therefore strange that an important addition to the charter is to be found in the concession of Edward II that a parliament should meet once a year. Whether this provision meant that the parliament should be elected once a year, or assemble once a year, is a question, though often debated of little importance. For there is every probability that at the time refered to, prorogations were unfrequent; Parliaments were generally elected when they were to meet, and the end of the session was the end of the Parliament. In this reign however that assembly took upon itself to declare the vacancy of the throne. The attachment of Edward to his favourite Gaveston, and the Despencers, but chiefly his loss of Scotland, so exasperated the Parliament that they resolved to crown his son, and sending a comission of Earls, Bishops, Barons, Abbots, Justices, and Burgesses, deposed him solemnly by their speaker William Trussell—in terms of which those of 1640, seem but the echo.* In the long reign of Edward III., extending to half-a-century, through we have seventy parliaments we have little constitutinal progress to record. The voice of the statesman who wishes to define and consolidate is seldom heard, in the tumultuous joy of such tidings as those of Cresy and Poitiers. The last parliament of Edward however, showed a strong disposition to assert an effectual control when it required the dismissal of Latimer and Neville from the king's counsels, and of Alice Perreas from his favour. Popular power, though slowly, was steadily advancing, and its obvious effects were seen in the equal progress of arts and learning. Some public opinion

Deposition of Edward II.

† "I William Trussell, on behalf of the whole people of England, and authorized by the Parliament, do hereby withdraw the fealty and homage sworn to you. I no longer am bound in faith to you, and I deprive you of all royal power and dignity. We claim and hold nothing from you as king; and in all time to come declare you to be a mere private person." *Rymer's Foedera.*

The similarity of Edward II.'s time to that of Charles I., seems to have struck a very dull person about 1680, for I find a libel on Charles under the title of "The Reign and death of Edward II., written by E. F. in the year 1627, and printed verbatim from the original, 1680." The heavy author perhaps in excuse for obtaining purchasers for a libel under the guise of history, takes for his motto *Qui nescit dissimulare, nequit vivere perire melius.*

CHAP. II.

had been created and something more than military glory appreciated in the reign that gave to England such a poet as Chaucer, in our native tongue. The Parliaments of Edward however are still famous, not so much for their protection of the rights of the people, as for defining, though vaguely, treasons against the king.* The other great event, was the declaration that English should thenceforth be used as the language of legislative enactments.—The reign of Edward was one of progress in many directions and not the least, in the invention of gunpowder which directly tended to the shortening of wars.

Sedition of the Serfs.

In the mean time the class which formed the great body of the nation—the serfs—had still remained in the same bondage into which they had been plunged by the Norman Conquerors. The semblance of care which appeared for them in the stipulations of *Magna Charta* and its various confirmations went to protect them not against their lords but against the crown, and though their "waggonage" or substance was safe against royal imposts, it was not practically fenced from the cupidity of their lords. The lower priesthood being of plebeian birth had sympathy with their relatives and men of their order, and being more learned than the people pointed out the evils of slavery—with useless violence. It is curious to remark how little the language of sedition has changed in the lapse of five hundred years. According to Froissart the cry of the peasantry in 1381, was

"We are taxed to aid the knights and esquires of the country to defend their inheritances; we are their valets, and the beasts from which they shear the wool; at all events if England were united, we should lose much less than they would." Such has always been the argument of the people

* Statute of Treasons 25, Ewd. III. Sir James Mackintosh says that "The Judges in course of time enlarged the scope of this statute to cases for which it was certainly not intended, but which it was probably fit to punish by the very reasonable remedy of a new law." "Our ancestors" he continues, "and we ourselves have been fearful of repairing a rude statute, lest the established powers should seize on the reform as an opportunity for making the Law more tyrannical." *Hist. of England* I. 314. If Sir James had lived till 1848, he would have seen the Judges "enlarge the scope" of the Statute a little further when they solemnly decided that "within this realm" meant over in Ireland! *Regina* v. *Smith O'Brien.*

when an evil system of Government has created in a country a class that has nothing to lose, and to which change can therefore bring no greater privation. The priests, especially one John Bale, "a foolish priest of Kent," as Froissart calls him, harangued the serfs upon their rights. "Good people" they were accustomed to say "things cannot go on in England, and will not go on well, until there are neither villains nor gentlemen—until we are all equal, and the lords are no more masters than ourselves. How have they deserved to be so? and why do they hold us in bondage? Are we not all sprung from the same parents, Adam and Eve? They are clad in velvet and crimson and in furs and ermine: they have the viands, the spices, and the good wines; and we have the refuse of the straw, and water to drink. They enjoy repose and beautiful manors: we suffer pain and toil, and wind and rain in the fields." To this appeal the peasantry would reply by crying out—

"There must no longer be serfs: we will no longer be treated as beasts; and if we labor for the lords, the laborers must receive their share."

Insurrection in Kent

Thus a regular system of agitation was commenced. The men of Kent sent out, each for the purpose of interesting his relatives and friends to join the cause, and even thus early writings were distributed, doubtless to be read by the inferior Priesthood to the people, exhorting them to stand together and they should be successful. These missives were short and much to the purpose; as witness this one, from the priest John Bale, who Froissart tell us, was "three times thrown into the Archbishop's prison at Canterbury, for his foolish words."

"John Bale greets you all, and gives you to understand that he has rung your bell. Now, right and might—will and skill—God speed us all. Stand manfully together, and help one another. 'All's well that ends well.'"* The result of these appeals was an insurrection of the peasantry provoked by the brutality of a taxgatherer at Dartford, in Kent. The leader of the Insurgents was slain and the simple people who had flocked into London, for the most part, with only the desire

* *Froissart.*

CHAP. II.

of "speaking to the king"—were sacrificed in large numbers by the tribunals; Chief Justice Tresilian hanging a score in one day. Though the mere serfs had not, however, obtained anything by their outbreak, the tide of opposition to undue prerogative was still setting strongly. Richard himself, in his "appeal of Parliament," gave an example of the powers of that assembly, that was not lost. The impeachment of de la Pole, de Vere, and Tresilian, expressed the formidable strength of the great Council of the Nation, which at length forced upon the king an abdication that ended in his death. Henry IV., like all revolutionary potentates granted salutary laws. His first Parliament abolished *liveries*, by which the great lords kept up, in fact, each a standing army, keeping the nation in perpetual tumult. The same parliament abolished the numberless treasons created in the reign of Richard, and reduced that crime to the bounds assigned it in the statute, with which for inscrutable reasons lawyers are still in raptures, the 25th of Edward III. It prohibited also "appeals in Parliament"—the short and sanguinary mode of attainder, and took off restrictions which Richard had laid on the importation of food, by foreigners, into London. In this reign parliament first exercised without hindrance, the right of allotting how supplies were to be expended, and protested against the suspension of statutes by the Crown. The king also was required to govern by a council, who were to be sworn in Parliament—the origin of that effectual bulwark of popular freedom which still survives as the Privy Council—well described by Mr. Hallam as "a noble fabric of constitutional liberty, hardly inferior to the petition of right.*"

Reforms of the reign of Henry IV.

From the death of Henry IV. to the battle of Bosworth Field, the Constitution of England was almost stationary. Some few acts regulating elections, such as that burgesses should be residents of the places where they are elected,† and that electors should be possessed of a freehold of forty shillings yearly;‡ modified details, but no important concession was either gained by the people, or resumed by the crown, till the

* *Hallam's Middle Ages.* † *Hen. V. c.* 1.

‡ 8 *Hen.* VI. *c.* 7.

outburst of the "glorious summer of the sun of York"—when the Constitution was almost destroyed, and the monarch restored to despotism. In the meantime, however, the parliaments were but the nobility or their direct nominees—nor were the towns entitled to send burgesses, exactly ascertained. The great lords, and even the king himself, were accustomed to send circular letters to influence the electors, and the parliament was in fact but a packed council, which yet greatly favoured liberty, inasmuch as the various desires and interests of the nobles made their retainers a watch upon each other.

Star-chamber founded

The erection of the Court of Star-chamber,* and the unscrupulous oppressions by its means, carried on by Dudley and Empson, soon broke down the power of the nobility, and prepared the way for the despotism of Henry VIII., which in its turn provoked that feeling of independence that broke out so early as the parliaments of Elizabeth, and finally triumphed at the Revolution of 1688.†

Great elements however, in the latter part of the period we have been considering, had begun to be added to the causes of human advancement. Wycliffe had disturbed the general consent to the Roman Catholic Religion; Columbus had called the new world before the dazzled vision of the old; and chief of all, the discovery of printing, had provided Christendom with the means of obtaining that only lasting power which knowledge can confer.

* Act II. Hen. VII.

† The name Star-chamber seems derived from the legal term *Stellionatus*, meaning nondescript crimes—the nature of the offences tried there—*Stellionatus* coming from *Stellio*, the name of a foul nondescript beast fabled by the Ancients.

CHAPTER III.

FROM THE RISE OF WOLSEY TO THE BIRTH OF CLARENDON.

Moderation of Wolsey. Firmness of the Commons. Consequences of the Reformation. The "New Nobility." Another Rising of the People. Proceedings of Somerset. Administration of Cecil. Rising power of the Commons.

CHAP. III.

THE destruction of the power of the Nobility by Henry VII. shewed, in the reign of his successor, how needful had been the balance of the Constitution. Wolsey indeed by his great political wisdom, restrained, while he was in the ascendant, the reckless exercise of the passions of his Royal master, which Henry, under worse guidance, might freely have indulged; but it is sufficiently clear that the excesses that followed the fall of the Cardinal had free scope, chiefly because the late King had swept away, or greatly weakened, the barrier between the Commons and the Crown. The condition of the people remained with very little alteration. The rural labouring classes broke out into occasional and partial seditions, and the trading inhabitants of London as commerce began to advance betrayed that narrow view of trading interests characteristic of the times, by making violent attacks on, and putting to death, the foreign dealers who had settled in this Country. In the meantime the extravagance of the Crown compelled the Commons to exercise very determinately the power of controlling the supplies.* Sir Thomas More, the speaker of the House

Moderation of the Cardinal.

* "There has been the greatest and surest hold in the lower house for the payment of the subsidy that was seen in any parliament. It has been debated sixteen days together; the resistance was so great that the house was like to have been dissevered. The King's Knight's and servants being of one party, it may fortune contrary to their heart, will, and conscience. Thus hanging the matter Yesterday, the more part being for the King, his demand has granted to be paid in two years. Never was one half given to any former at once: I beseech the Almighty it may be peaceably levied, without losing the good will and true hearts of the king's subjects which I reckon a far greater treasure than gold and silver." —Ellis's Letters.

nobly refused to be overborne by the power of the Court, and established the precedent which grew to the strength of indefeasible privilege. Though the social and political aspect of the nation, however, was little altered the passions of the King and the conduct of the priesthood were fast preparing the great change, which began with the religion but finally extended to every institution of the state. The history of the English reformation has been too much surrounded by considerations of the personal character of Henry and his opponents, and too entirely committed to the pen of controversialists and ecclesiastics, for its political consequences to have been fairly displayed. The escape of nations, as of men, from slavery, is too apt to be celebrated by too great a license—but liberty has seldom grown up in any country by a peaceful and gentle progress, and if the excesses of the Reformation finally secured the prevalence of the spirit of freedom which established the English Constitution, we may be content to look upon the temporary laxity of opinion and decline of art, as the price of a lasting liberty, in which all that was good in the system of the middle ages has been revived. The Government of England in the time of Henry VIII., was the purest form of despotism—for despotism, after all, is but the state in which life and property can be destroyed at the will of the monarch, whether he condescend to use pretended forms of justice or not. The obsequious parliament ceased to make even a show of opposition to the King, and the work of his divorces and executions went on with Eastern freedom. The parliament, indeed, probably to save itself the trouble of obeying the commands of Henry, passed an act that proclamations by the King in Council should be obeyed as though they were made by act of Parliament, under such pains as such proclamations may appoint!* It is not to be doubted however that with all the despotism of the reign of Henry its example tended to the advancement of liberty. Great changes cannot be made in the eyes of the people without producing a fear of instability in the newly established order of affairs; and the very appeals of Henry to the representatives, hollow as

Firmness of the Commons.

Consequences of the Reformation.

* 31. Hen. VIII. c. 7. s. 9.

CHAP. III.

they were, spread abroad a feeling of the power of parliament. Besides the representatives of Wales were directly added to the Lower House.* From the reign of Henry VIII. may be dated the rise of a "new nobility" as indeed the elder houses termed them. These were the families aggrandized by the spoils of the Church. They were numerous, and springing from the people, had popular sympathies and that attachment to the new order of things, which, begun in self-interest, ripened into patriotic zeal. Perhaps it is to those who rose on the ruins of the Ecclesiastical system that we may chiefly attribute the fact that that system could never be re-established, and that liberty became firmly rooted in the soil.

The "new Nobility."

The reign of Edward VI. was chiefly devoted to ecclesiastical alterations. We find in that reign little affecting the progress of the Constitution. The Earl of Hertford, better known as Protector Somerset assumed the absolute dictatorship of the Realm. The interest of the new parties in religion required that the extreme Protestants should be conciliated, and accordingly the parliament of 1547 abolished the slavish act relating to the King's proclamations being law, and swept away all the treasons created by statute since the 25th, of Edward III. It abolished also a pretence, which Elizabeth restored, and which still exists, the issue of a *congé d'élire* to Deans and Chapters to elect a Bishop. The suppression of the monasteries had scattered over the country multitudes of mendicants, formerly depending upon the charitable gifts of the friars, and to meet this evil, a law was enacted quite unexampled in atrocity.

It was however in vain, as the enactments of Elizabeth displayed. Such legislation as this produced its natural results in the outbreaks which shortly followed, resulting in a general rising of the people without apparently any very definite aim, but only exasperated by oppression, and the actual revival of Saxon Slavery.—"The causes and pretences of these uproars and risings" says a chronicler quoted by Burnet, "are divers and uncertain, and so full of variety almost in every camp (as they call them), that it is hard to write what it is; as ye know is like to be of people without head and rule, and that would have they wot not what. Some crieth, pluck down enclosures

Another rising of the people.

* 31 & 35 Hen. VIII., c. 26, s. 50.

and parks; some for their commons; others pretend the religion; a number would rule another while, and direct things as the gentlemen have done; and, indeed, all have conceived a wonderful hate against gentlemen, and taketh them all as their enemies. The ruffians among them and the soldiers, which be the chief doers, look for spoil. So that it seemeth no other thing but a plague and a fury amongst the vilest and worst sort of men." The "plague and fury" might have been easily understood by those who remembered, that by a recent statute any one found "idle or loiteringly" might be given as a slave, for two years, to the informer. The Protector, it seems, found the insurrection very formidable, for he issued a proclamation against the taking in of commons. This was of no avail for Holinshed informs us that, "How well soever, the setters forth of this proclamation meant, thinking thereby, peradventure, to appease the grudge of the people that found themselves grieved with such enclosures, yet verily it turned not to the wished effect, but rather ministered occasion of a foul and dangerous disorder. For whereas there were few that obeyed the commandment, the unadvised people presuming upon their proclamation, thinking they should be borne out by them that had set it forth, rashly without order took upon themselves to redress the matter; and assembling themselves in unlawful wise, chose to them captains and leaders, broke open the enclosures, cast down ditches, killed up the deer which they found in parks, spoiled and made havock after the manner of an open rebellion."

Proceedings of Somerset.

The insurrection of the "vile sort" soon found leaders of a higher class, and was at length suppressed only by a smart engagement at Norwich. As an expiring effort the priesthood had turned the *jacquerie* to the account of religion, and the insurgents had demanded a return to the Latin service, the prayers for the dead and the celibacy of the clergy—demands evidently suggested by their leaders of the priestly order. Indeed the general confusion of the affairs both of religion and politics forced the government of Edward to despotic practices which continued unabated throughout the reign of Mary.

Policy more than prejudice induced Elizabeth to adopt the

CHAP. III.

reformed religion in the degree in which she assented to it. The adherents of her late sister denied her legitimacy, and her most powerful foreign enemies were the Catholic crowns. The circumstance of her adopting Protestantism greatly advanced constitutional liberty by the necessity under which it placed her to make frequent appeals to her parliament to keep the nation in a state of adequate defence. The rising constitution was much fostered by the wisdom of Cecil. In the multitude of intrigues of the late reign, Cecil had been quietly promoting the advancement of the Commerce and the comfort of the kingdom. It was by his advice that Elizabeth, at the beginning of her reign, summoned a parliament. He advised her against the insidious advances of King Philip of Spain, and he is remarkable as the first minister to make practical use of the press as a means of government.* He was however tainted with the unwise policy of the time in endeavouring to adopt unconstitutional methods of raising money. That such expedients were not more frequently resorted to was the praise of Elizabeth herself. Cecil was not, however, like many ministers who advised extortion, desirous of money for the extravagance of the state. On the contrary the great success which attended the reign of Elizabeth was chiefly owing to his great economy. He had many abuses to correct. Peculation in the Army which he met by paying each soldier directly and not through his officers—extravagance at court in the Queen's rewarding of useless suitors, and the lavish generosity of Elizabeth to her favourites. To Cecil also is attributable the comparatively peaceful course of the reign of his Royal Mistress.

Administration of Cecil.

In the reign of Elizabeth we find the germ of much of the subsequent prosperity of England. The cordial reception of the Flemish artificers driven out by the butcheries of the Duke of Alva, by importing new arts, assisted not immaterially both in the strength and wealth of the Kingdom. With regard to the parliaments called during the reign of Elizabeth their

* One of his maxims "Where the people are well taught, the King hath ever good obedience of his subjects"—reminds us of another great man's more eloquent saying, "By education man become easy to lead but difficult to drive—easy to govern but impossible to enslave," *Lord Brougham on Education.*

very frequency was a homage to the people, and in them began the system of freedom of speech which subsequent despotism found it impossible to suppress. The greatest events of this reign, however, were entirely relating to foreign affairs. Parliaments were called chiefly to be asked for subsidies to settle minor questions of religion, or to consider the increase of mendicity. No outward change appears in the Constitution, but the principles of liberty were steadily gaining ground. The House of Commons was making itself felt as a power in the state, and though the treatment of her parliaments by the Queen was after the fashion of the House of Tudor, their strength was accumulating for the great effort by which the powers of the state were balanced at length.

Rising power of the Commons.

The favoritism which characterised the reign of James I. was the most ready and direct cause that could have arisen of parliamentary hostility to the Crown. The spirit of the people was but partially provoked by Elizabeth who was too wise to place any individual in invidious opposition to the will of the Commons, though acting quite as despotically as her successor. The weakness of James however and the arrogance of Buckingham fanned the flame of popular resistance, and caused the representatives of the people to put into words the detestation of absolute government which long had pervaded the public mind. The hand of Felton in removing the person who provoked the anger of the House did not remove its indignation nor its sense of power. Precedents began to be talked of and the dread weapon of impeachment was brightened up again. The corruption of the Court had become intolerable, its immorality scandalous, and the independent mind of the nation revolted at a government which presented at once the spectacle of the aggrandizement of Villiers and the murder of Raleigh. It is at this momentous period that the first of our biographies begins.

EDWARD HYDE, EARL OF CLARENDON.

IN OFFICE 1660, TO 1667.

CHAPTER I.

FROM THE BIRTH OF HYDE, TO THE MEETING OF THE LONG PARLIAMENT.

His birth. Character of his father. His early training. Goes to Oxford. Enters the Middle Temple, Falls dangerously ill and recovers. His studies of Law. Death of his Uncle the Chief Justice. Marries. Death of his wife. Is introduced to Court society. Marries a second time. Commences to practice at the bar. Rapid success as a Counsellor. Character of his friends. Is introduced to Laud. Returned to Parliament. Becomes a law reformer. Opposes Hampden. Warns Laud of the coming danger. Dissolution of the parliament.

CHAP. I

WHILE the seeds of resistance sown by the despotism of the Tudors were growing fast—nourished not a little by James the First's affectation of proving tyranny defensible,—in the midst of a calm of the political atmosphere preceding the great hurricane of the seventeenth century, Edward Hyde was, on the 18th February, 1608, born, at the Manor-house of Dinton, in the County of Wilts. The advantages of birth possessed by the future minister were not a few. His father who was of a rank, that on the Continent and in Scotland is called noble, (being of the Hydes, of Hyde, in Cheshire) was a scholar of great and general attainments, and for the time, had travelled much and judiciously. His famous son gratefully records his kind communicative manners, and his universal information. "He conversed" he says "with such a promptness and vivacity upon all arguments (for he was *omnifariam doctus*) as hath been seldom known in a man of

his age."* He had been originally intended for the bar, and had kept his terms at the Temple, but not having any taste for the profession, he besought his mother's leave to travel, and having been permitted to go to the Spa, he went through Germany to Florence, Sienna and Rome,—the latter no safe journey in the time of Queen Elizabeth and Sextus V. Cardinal Allen however befriended greatly the father of Clarendon, so that though he staid "some months he received no trouble" and even the English Priests murmured at the Cardinal for protecting such men, who they said † "came to Rome, and so seeing the Ecclesiastical persons of that nation, discovered them afterwards when they came into England, and so they were put to death." On the elder Hyde's return he entered the parliament of Elizabeth, and doubtless his son was not, in after years, left in ignorance of the vain struggles of the constitutional party in that assembly. The questioning of Peter Wentworth and Speaker Bell, ‡ and the fruitless but devoted efforts of the founders of freedom of speech, would not be forgotten in the fireside discourses between son and father at the Manor House of Dinton; and thus Edward Hyde was early taught the safety, in the England of that day, that lay in honouring the King; and the necessity of keeping guard that his tongue did not talk off his ears. Indeed the future Prime Minister started entirely as a king's man. He went

* Life of Clarendon, fol. 9.

† Ibid p. 5.

‡ In the month of November 1575 Mr. Peter Wentworth was brought before a Committee of the House,—which was so constituted as to be in fact a Privy Council. He refused to answer the interrogatories if the Committee put them as "Councillors to the Queen" but they declaring themselves a Committee of the House, he replied that in his speech he had referred to "rumours" which he had heard in the Parliament House but he did not know of whom. The rumours, it appears, were that Elizabeth "misliked religion (i. e. the Protestant Religion) and the succession." When the Council told him he must not speak of messages because they were sent by the Queen's Majesty, Peter sturdily replied, "If the message be against the glory of God, against the Prince's safety, against the liberty of this parliament House, whereby the state is maintained, I neither can nor will hold my peace." —*Parl. History.*

Robert Bell was speaker of the Parliament 13th. Elizabeth, and of the first session of that of 14th. Elizabeth, but he had the temerity to propose the recalling of certain monopolies granted to courtiers "to the utter undoing of 6000 or 8000 of the Queen's subjects." He was "sent for and so hardly dealt with, that he came into the house with such an amazed countenance that it daunted all the house."—*Ibid.*

CHAP. I.

Goes to Oxford.

up to Oxford, armed with the King's letter to Doctor Langton, President of Magdalen "in expectation that he would be chosen a Demy of that college." Doctor Langton however seems to have had other views for the vacant place, and pretended that the King's letter did not come in time "though" says Clarendon "the election was not then begun." He therefore entered Magdalen Hall, having been prepared for college by a schoolmaster, whose name he does not record, but to whom his father had given a Vicarage "and who had bred many good scholars." The following year the President of Magdalen was reprehended by Lord Conway, the secretary of state, for the trick about the election, and Edward Hyde was duly chosen a Demy.—But Dr. Langton was *vulneratus non victus*, and though the choice had been made, "yet that whole year passed without any avoidance of a Demy's place —which was never known before in any man's memory." At this point King James died, and what was more important to Clarendon, his elder brother, Henry Hyde died also, which event changed his father's views concerning him. He was accordingly entered a student of the Middle Temple by his Uncle, Chief Justice Hyde* who was at that time Treasurer of the Society. He remained, however, partly at home and partly at the University, where he took his bachelor of Arts degree before going into Chambers. His escape from Oxford he looks upon as very fortunate, inasmuch as he had contracted, it appears, some dissipated habits. He was at that time more a man of readiness than of reading, and it appears by the example of his elder brother, was acquiring a penchant for the "custom of drinking, which had been too much introduced and practised." At length he was about to settle to the study of the law in earnest, and had gone up to the Temple in company with his uncle Nicholas, when he was seized with a violent ague that forced him again to return to his father, who had now changed his residence from Dinton to Pirton in North Wilts. Although in this attack he had been in great danger he was yet sufficiently recovered to resume his studies

Enters the Middle Temple.

* This man, notwithstanding what his nephew says of him, was the same who, corruptly accepted the Chief Justiceship when Buckingham turned out Sir Randolph Crewe for refusing to sanction illegal loans.

at the Temple at Michaelmas, where a new danger of a more pleasant but not less fatal character awaited him. Charles had begun his unfortunate wars with France and Spain, and great preparations were being made for Buckingham's luckless expedition to the Isle of Rhee. The town was therefore full of military officers, and the templars no doubt found them good companions of debauch. Clarendon looks upon the ending of the war as another of his escapes, as it gave him "the good fortune quickly to make a retreat from that company" which was indeed sufficiently incompatible with the study of the law. This study however he does not appear to have much pursued. He was never acquainted with the technicality, if indeed he knew the theory of law, and he informs us that during his residence in the Temple he paid more attention to polite literature, and as might be supposed of the future historian, historical studies were those in which he chiefly found delight. His youth was persecuted by repeated attacks of severe and dangerous illness. While a student, his uncle the Chief Justice took him to accompany him (probably as marshal) on the Norfolk Circuit, but at the first town, Cambridge, he fell ill of the small pox, and for some time his life was despaired of. When he was able to be removed, he returned again to Pirton, his father's residence, and there gradually recovered the attack of the great scourge of that period. Much time however was lost by these various interruptions. During his illness, his uncle the Chief Justice died, and thus one of his great inducements to perseverance at the bar was taken away, although he tells us that it only added to his resolution. In the meantime great events were casting forward their shadows, and to us who can look back on all that followed the death of Buckingham, it is of interest to learn that Edward Hyde recovering from his illness, sat reading Camden's Annals one evening to his father in the mansion at Pirton, and that he had come to the particular passage that records how one John Felton fixed a bull to the gates of the palace of the Bishop of London and, refusing to fly, was taken and executed; "when a person of the neighbourhood knocked at the door and being told to come in, informed his father that a post had just passed through the village to Charleton to

Falls dangerously ill.

CHAP. I.

inform the Earl of Berkshire that the Duke of Buckingham was killed the day before by one John Felton." Clarendon little supposed that there would one day be heaped upon himself the same popular obloquy that rested upon Buckingham, and that he too would have to "curse the powers that pleased a king." The death of Buckingham though the people hailed it as a deliverance, and though, as Clarendon tells us, it put an end to many violent projects, yet had the two great evil consequences, of giving the movement party an over estimate of their own power and of rendering still, more obdurate the iron will of the ablest Stuart of all his Royal line. If any think that Charles attributed the act of Felton to the monomania of one single fanatic, history will hardly bear them out; for the following twenty years show clearly enough that he cared as little for the fanatical opinions of thousands as of one. Clarendon was too young to study much the signs of the times, and his father doubtless looked upon the death of Buckingham as the natural consequence of his arrogance and zeal for despotic government, if it be true, as Burnet says, that the last words of Henry Hyde to his son were to caution him against too great compliance with the projects of a king.

Death of Buckingham.

Shortly after this period Hyde married a young lady of whom his praises, even in his old age, are enthusiastic—Miss Ayliffe daughter of Sir John Ayliffe of Gretenham in Wilts.—A marriage which seems purely to have been one of love but which was followed by extreme sorrow. Six months had only passed from the time of the marriage when on a journey to his father's, Mrs. Hyde fell ill of the small pox and died in a few days. The effect was of the most painful kind upon the mind of Hyde. He abandoned all previous pursuits, avoided company, and only sought to "retire to the continent to indulge his melancholy." At length however, the persuasions of his father, who seems to have been a man of sense, and for whom Hyde had the deepest affection, rallied him once more, and he determined to return to his profession. At this time an event occured which introduced him to the class of society who frequented the Court. His late wife being highly connected was allied to the house of Hamilton—a lady, some distant connexion of which, had been compromised at Court,

Marries Miss Ayliffe

and a marriage was to be negociated. In this affair Hyde embarked, and though finally unsuccessful, he conducted himself with so much prudence and sagacity, as to procure the friendship of many that were concerned. From this time dates his acquaintance with the Marquis of Hamilton, and that change in the quality of his associates which he himself with much satisfaction records. It had, he informs us "an influence on the whole course of his life afterwards." For a considerable period after the death of his wife, though he professedly had resumed legal pursuits he was more devoted to society, but not of the nature of that from which he congratulated himself on escaping, when he gave up the company of the soldiers of Buckingham. After the lapse of three years, Hyde determined again to marry, and made choice of Frances, daughter of Sir Thomas Aylesbury, Master of Requests and Master of the Mint—a marriage every way agreeable to both families, and in which Hyde found much happiness, though it was alloyed at the outset by the death of his father, which took place at Salisbury, a few months after. His new associates were of a class very different as to mental attainments. Chief of them we find the famous Selden* of whom Clarendon speaks with that enthusiasm which we might expect from one who had seen him face to face. He valued himself, as he justly might, more on Selden's friendship, than on any other of the acquisitions of his youth, but he cannot refrain, writing in the decline of years, to give the great author of the *Mare Clausum* a passing rub for having given the benefit of his profound ability to the parliament. "How wicked soever" he says, "the actions were which were every day done (i. e. by the Parliament) Mr. Hyde was confident that Selden had not given his consent to them; but would have hindered them if he could, *with his own safety, to which he was always enough indulgent.*" Ben Johnson was at this time another of the associates of Clarendon, and the intimacy continued till the latter was becoming engrossed by his practice at the bar, when Johnson dropped the acquaintance, be-

Is introduced to Court society.

Second marriage.

His associates.

* It is strange that so eminent a lawyer, and so distinguished a judge as Lord Campbell, should omit to record Clarendon's intimacy with Selden, whom he mentions first in the list of his associates.—*Campbell's Chancellors*, III. 113.

CHAP. I.

lieving that business should "never be preferred to his company." Others with whom he was familiarly acquainted were Cotton, Vaughan, Sir Kenelm Digby, May, and Carew. Of these he has given us characters somewhat in detail, greatly laudatory in most instances, but alloyed amusingly with some little qualification not at all complimentary to its subject. Thus he winds up his account of Charles Cotton, famous because he was joined with quaint old Izaac, and infamous for his travestics, by stating that he was "so given to indulgences in compensation of his distresses, that he did not die till his best friends wished him dead." Of Vaughan he tells us "that he made great professions to himself after the Restoration after he had offered him a judgeship, until the time came to fulfil them when he violated them in a way no way commendable." Sir Kenelm Digby's character after much panegyric ends by reminding the reader of the questionable reputation of his lady; how he changed his religion once or twice, and was addicted to many personal vices. May, he tells, us lauded the Republican party because the king delayed his pension and though Carew was dissipated "to the age of fifty," he became afterwards very exemplary. Lord Clarendon was at least candid in delineating his friends and it would have been very pleasant to have one's character drawn by him, if one could only draw a line through the middle and obliterate the latter half.

For two or three of his associates at this time, however, he has unqualified and not undeserved commendation—Lucius Carey, celebrated as Viscount Falkland, Edmund Waller, and that Sidney Godolphin, who fell early in one of the nameless skirmishes of the Civil War.

He called to the Bar.

Clarendon, having after a student life of much interruption and some dissipation, determined on the steady pursuit of his profession, was called to the bar. He seems to have got suddenly into very considerable practice, and that of a class much desired at that time by those forensic aspirants who did not enjoy the drudgery of playing the "Cock in Hamlet" as what is called "juniors,"—the business of the City, and one great City cause introduced him to the notice of Archbishop Laud. Laud had assumed that almost universal di-

rection of public affairs, which was in the end, so fatal both to himself and to his master, but was, it seems, very much puzzled at times to manage the affairs of commerce, especially in a time when every man thought his place chiefly valuable as a means of extortion, and the Treasurer Portland was serving himself without reference to the interests of the King. The Archbishop was much assisted in his management of City matters, (always the most puzzling to mere scholars) by one Daniel Harvey, an eminent merchant who happened to reside near the palace at Croydon, where Laud went once a week. This Harvey, was with other merchants, interested in destroying the monopoly of a particular wharf, the proceeds of which had been sold by the Lord Treasurer to a person who set up a right to make all ships unload there. The Merchants took legal proceedings, and Clarendon tells us the incredible story, that no Counsel could be found to brave the Lord Treasurer but himself. He however argued their cause against monopoly in a style so pleasing to himself, that in his old age, at Montpelier he gives us a summary of his speech. He could not however charm the Treasurer so as to give up his profitable rents, and Harvey brought the matter to the attention of Laud. The Archbishop was greatly concerned that the Treasurer should so sacrifice the interests of the King to his own profit, and among other things demanded who was the Counsel who had maintained the cause of the Merchants. Harvey informed him that it was one Mr. Hyde, a young man in the Temple, who had married Sir Thomas Aylesbury's daughter, and was very well known, whereupon the Archbishop meeting Sir Thomas Aylesbury at court, desired that he should send his son-in-law to him at Lambeth. "He was" says Clarendon "walking alone in his garden at Lambeth; he received me civilly according to his manner without much ceremony; and presently asked me whether I had not been of Council with some merchants in such a business, and where that petition now was. I answered him that I had been about two years past of council with some merchants about such an affair, in which the Earl of Portland had been much incensed against me; that I remembered I had drawn such a petition that was signed by all the considerable merchants of London, but there

Is counsel for the Merchants.

His interview with Laud.

CHAP. I.

was little progress made thereon by reason of the asperity of the Treasurer." Clarendon went on to tell the Archbishop of whatever "haughty expressions which fell from the Treasurer" which "he heard would please him (Laud) best" and in short, so made his Court to the ambitious primate, that it soon became known that he was a favourite of his grace.

Obtains large practice at the Bar.

After this the future Chancellor and Prime Minister, rose rapidly. The judges took notice of him more than of any other man of his age in Westminster Hall—a circumstance he is himself disposed to attribute to his ability, but when we recollect the position and character of the pre-Revolution judges, the friendship of Laud had probably as much to do with his securing their favour. The City business which poured in upon Hyde was "as much as he wanted," and considering his slender knowledge of law, probably more. The same want of acquaintance with the niceties of the profession may have been the cause of his not going circuit, he being probably not desirous of encountering at the Assizes the *nisi prius* wit and banter of those who looked with envy on the rapidly rising fortunes of the superficial lawyer, who was the favourite of the judges because he was the *protege* of Laud. But the chief business of Clarendon was in courts now happily no more. "My hand" he writes to Whitelocke, "is deep in a Star Chamber bill." He was also much engaged in the Court of Requests, to which the Earl of Manchester had attracted as much business as was enjoyed by the Court of Chancery. In these Courts, where power took the place of law, Clarendon was not called upon for any very brilliant display of professional ability. It was enough that the proper forms of the documents were observed by precedent, for the accident of the hour took the place of equity. At this time he devoted his mornings to Court, met his friends at dinner, which he observed as his time of social relaxation, and avoided supper, the principal meal of the time, that he might attend the more readily to business on the following day. He was not however forgetful of the arts of rising, which his more exalted acquaintance afforded him. His intercourse with Laud ripened to what may be designated intimacy, in so much that he brought the Earl of Hertford and

the Archbishop to a reconciliation of a previous quarrel, and even ventured with impunity, to point out to the prelate the danger of the courses into which he apprehended the court was being drawn. At this time also he was on terms of intimacy with Chillingworth and Sheldon, and if he is worthy of being called in religion, as he was, an "extreme Anglican" it is referable to the example of Laud, while that his Anglicanism was not Romanism may be attributed to the conversation of Chillingworth. While Clarendon however was thus prospering in his profession and rising at the court "living more freely than any of those lawyers who only sought to be rich"—passing his mornings before Laud in the Star-Chamber, or Manchester in the court of Requests, looking perhaps no higher than the seat of a Chief in Westminster Hall, writing jocularly to Whitelocke, that "the worst news is that the plague is in town and no judges die"—the great storm was gathering that made him a patriot, a soldier, a wanderer, a prime-minister, and an exile. In 1640 he had arrived at the age of thirty years. The King brought up in his father's notions of prerogative, but ignorant of that "King-craft" of which his father talked so fondly, was coming fast to a quarrel with a party, professing a patriotism which they thought could only be advanced by the destruction of the prerogative, if not of the monarchy itself. After many delays in calling a parliament, at length that of 1640 was summoned, and Clarendon wise enough to see that the system under which he was a prosperous lawyer would be quickly swept away determined to adopt a political career. Accordingly he was returned to the parliament that met in April, 1640, for the towns of Shaftesbury and Wooton-Basset, and he made his election to sit for the latter. In this short parliament the Republican party continued the tactics of giving the King no choice, but that of raising money by despotic means, or becoming considerably more subservient to the Commons than if he had been the President of a Republic. The cry for the redress of grievances was vague, and however we may be dazzled by the results to Civil liberty created by the opposition of that day,—decidedly factious. Clarendon, however, in his first speech as a member of parliament, called the attention of

Devotes himself to Politics.

CHAP. I.

the House to one particular grievance, and figured as a law Reformer. The Court of the Earl Marshal had become a great evil, chiefly from the reckless exercise of a jurisdiction it claimed, in inflicting fines for words spoken. In this way according to the speech of Clarendon, it had inflicted more fines at the will of the Earl Marshal in late years, than the Star-chamber and the court of Chancery; and he who could well tolerate the courts in which he himself practised, took occasion to bring the iniquities of the Marshal's Court before the house, especially as the Earl Marshal was "ill liked" by the Commons. A few "ridiculous instances" to which he referred in his speech, give us, certainly, a strange idea of the mode of administering law in such a place. A citizen, he said, being importuned by a waterman for an overcharge, and the waterman perpetually showing his badge, the citizen exclaimed "Get away with your goose!" whereas the badge being a swan and the Crest of an Earl, the Citizen was brought before the Earl Marshal and fined so heavily as to work his ruin. Again, a gentleman, being dunned by his tailor rather too eagerly, he took the tailor by the throat, when the enraged artist cried out "I am as good a man as thee!" which being an offence against heraldry, the tailor was fain to give a receipt for his bill, to escape the fate of the Citizen. Clarendon, whose wit was none of the brightest, records one of his smart sayings in this speech,—that whereas a common person might die for nothing, a gentleman cannot die without paying the Earl Marshal ten pounds. Though his first attack on this abuse was unsuccessful, yet in the next session he succeeded in abolishing the Marshal's Court.* The war was becoming closer between the King and the Houses, but as yet, the Commons had not given to the Peers the intimation which two years afterwards was conveyed by the mouth of Pym that if they did not obey them, they would go on without them,—an intimation that threw off all mask of Reform

Becomes a Law Reformer.

* No vulgar charge is more groundless than that great lawyers are opposed to the reform of the Law. The eminent *tradesmen* of the Bar, to be sure, see danger to their craft in alterations which tend to clear from sophistry the noblest of human sciences, but the profession itself is fully vindicated by the brilliant list of lawyer-statesmen of the last three centuries; having at either end the illustrious names of Bacon and of Brougham, with Hyde and many others less considerable, between.

and showed that a revolution had been intended from the first. Hyde was in this parliament, appointed a member of the committee to draw up the "Inducements" to a conference with the Lords, and subsequently, one of the committee by whom the Conference was to be conducted. The result of this conference was the remonstrance of the Lords to which Charles declined to attend, and in the furious debate on the subsidies, which followed, Hyde was pitted against Hampden. Those who have the traditionary and conventional notion, that the great opponent of ship money was merely a brave and patriotic squire, called from his quiet duties by the tyranny of the King, will hardly expect to find him an accomplished debater framing questions in the style, commonly called jesuitical, and adopting all the arts of managing a parliament, for the obvious purpose of driving the King into a course of tyranny, to which he and his confederates looked as the forerunner of the Commonwealth they desired. That such an understanding was amongst the republican party; and doubtless shared in by Hampden, there can be little doubt, even by inference from the course they chose to take. But it was openly avowed to Hyde by Oliver St. John, when the parliament now referred to, was, by evil counsels, broken up, and Hyde was deploring that the King had dissolved an assembly, more moderate than he might hope to be able to call again. "It is better," said St. John, "as it is. Things must be worse before they are better."*

Conduct of Vane.

Charles had sent down Vane to the house to make the proposition, that if the subsidies were voted, he would abandon ship-money, and take order for redress of grievances. Hampden, instead of opposing the subsidies, brought forward a question designed to have the effect of refusing subsidies altogether. Anxious to embroil the King, he moved, "whether the House will consent to the proposition made by the King *as it was contained in his message*," thus endeavouring to bind the House to a compromise, by which they would have

* M Guizot has made a very melodramatic affair out of this casual meeting of Hyde and St. John. The latter he makes a man of "a sombre countenance" and "never seen to smile" but now "with joyous look and beaming eye"—and all this founded on the few meagre words of Clarendon in his *Life!*

CHAP. I.

admitted the legality of ship money, or as he desired force them to refuse the supplies. Hyde rose to move an amended question. The lawyer had seen the drift of Hampden's motion, and he attempted to counteract its probable effect. "It was" he said, "a captious question, to which only one sort of men could clearly give their vote; which were they who were for a rejection of the King's proposition, and no more resuming the debate on that subject: but that they who desired to give the King a supply, as he believed most did, though not in such a proportion, nor, it may be, in that manner, could receive no satisfaction by that question: and therefore he proposed, to the end that every man might frankly give his yea and his no—that the question might be put only on the giving the King a supply: which being carried in the affirmative another question might be upon the proportion and the manner; and if the first were carried in the negative it could produce the same effect as the other question proposed by Mr. Hampden would do."

Dissolution of Parliament.

The fairness of Hyde's proposition was recognized by many of the members, and the moment was great with the fate of the nation. While however loud cries of "Mr. Hyde's question!" "Mr. Hampden's question!" were ringing from all sides of the House Vane rose and delivered himself of the mad announcement that he could save the house the trouble of deciding, for if the subsidies were not voted according to the message, the King would not accept them at all.*

Argument, after this, was at an end, and Charles resolved to dissolve the last parliament that desired or intended a reconciliation with the Crown.

Hyde was deeply apprehensive of the consequences of the rash advice, which had led Charles to this resolution. He had had the benefit of his father's knowledge of the discontent created in the Country by the arbitrary measures of Elizabeth and James I, and he had not been so intimately acquainted with

* This, it seems, was a planned treachery by Vane. The King had given him no authority to address the house in such terms and according to Dugdale had instructed him to ask for twelve subsidies but to "stoop to eight;" As Pere d'Orleans laconically says Vane by this mode, managed *que le Parlement refusa le Roi, et le Roi, cassa le Parlement.* —*Histoire des Revolutions d'Angleterre.* Such a policy was quite consistent with that expressed to Clarendon by Oliver St. John.

the merchants of London, without seeing the deadly hatred of monopolies, and anticipating those republican feelings, which at last made the city the stronghold of the King's enemies, and armed the trained bands of Skippon. As soon therefore as the house had risen, Hyde hastened to the palace of Lambeth where he found Laud surrounded by many who had hurried to tell him of the events of the day. The Archbishop was "walking in the garden, having received a full account of all that had passed, by persons who had made more haste from the house." Hyde laid before him his reasons for thinking that the parliament now assembled was better than any the King was likely to be able to recall, and after showing what he thought good cause for its continuance, characterised the dissolution as a "desperate council." Laud who was "sad and full of thoughts" replied that he would neither advise the continuance of the parliament, nor the dissolution —a course of policy not inconsistent with the occasional wavering to be observed in the character of the primate. The parliament was accordingly dissolved on the 5th. of May, 1640, having sat for the space of about three weeks.

CHAPTER II.

FROM THE MEETING OF THE LONG PARLIAMENT TO HYDE'S ADHERENCE TO THE KING.

Charles attempts to recall the Parliament. Adopts "other counsels." Hyde again returned. Attacks the court of York. Becomes an important Member. Impeaches the Judges. Impeachment of Strafford. Declaration of Essex. Plans of the Republicans Hyde abandons the Republican party. Has an interview with the King.

CHAP. II.

On the evening of that fatal dissolution, Charles is said to have been much disturbed, and he had no little cause for such a state of mind. Hyde had well represented to the Primate, that though the Parliament might have delayed the supplies, it would not have refused them, and that its desire of the redress of grievances was, not an affected cloak for real sedition. The effect of factious opposition upon some minds, however, is to drive the victim to acts of indiscretion, that give colour to all the enemy has alleged; and so it was with Charles. Those who really wished the trial of a new Republic, and who preferred their private theory to the public good, could now point to his dissolution of this moderate parliament, as a proof that he was hopelessly disposed to despotism. Charles saw too late that the step he had been led into, was the most ill judged that could have been adopted. On the day after the dissolution, he called together, some persons on whose judgement he relied, and asked them whether he might not recall the same parliament? It was a strange suggestion, but in those days of prerogative-law, when the ingenuity of the court party was directed to finding how far the power of the Tudors could be revived, the idea did not come unnaturally to the King. Even his lawyers however assured him that

Charles attempts to recall the Parliament

the dissolution of a parliament was its extinction, and he was forced to abide by the step he had adopted.

The Court now unencumbered, set vigorously about the adoption of those "other counsels" that Charles had so often threatened. The houses of members and even the pockets of Lord Brooke, were searched for papers. Some were committed to the Fleet for refusing to disclose what passed in parliament, and Crew committed to the tower, for refusing to give up the petition referred to the committee of religion, of which he had been the Chairman. Sheriffs were prosecuted for not levying ship money with sufficient vigour, and four aldermen of London, imprisoned for not enforcing a loan. Forty thousand pounds worth of bullion belonging to Spanish Merchants, was taken from the Tower, on the pretence of borrowing, and whatever was most calculated to exasperate the public mind seems to have been the favourite policy. All this, Hyde, in after years, lamented as the result of that ill advised dissolution. The second Scotch war, however, came on, and was more disastrous than the first, ending in the defeat of Strafford and the scandalous treaty of Ripon, which fixed the support of the Scotch Army on the Northern Counties, and redoubled the popular discontent. The peers, the City of London and the people of the oppressed counties, clamoured for a parliament, which Charles at length consented to assemble.

Adopts "other counsels."

On the 3rd. of November, 1640, the Long Parliament assembled, and Hyde was returned for the borough of Saltash. An attempt, which he attributes to the ill-will held towards him on account of his friendship with Laud, was made to invalidate his election, but without success, and he accordingly began to take part in the business of the house. The opening of the Long Parliament was characterised by a strong spirit of vengeance against the enemies of the popular party: the first blow being the impeachment of Strafford and of Laud, and the release of Prynne, Bastwick, Burton, Leighton, and Lilburne. "It had" says Clarendon in his History, "a sad and melancholic aspect, which presaged unusual events." Hyde, at the sitting of the house renewed his motion against the Earl Marshal's Court, and succeeded in having it

Hyde again returned.

CHAP. II.

abolished as a piece of pageantry, speaking, says Whitelocke, "earnestly and ingeniously," the parliament being indeed well disposed to such work, and having decided on the destruction of the Star Chamber and the high commission as well as several other courts of peculiar and oppressive jurisdiction.

The power of the Parliament and Hyde's influence on its counsels, were beginning by this time to have a due effect even on those likely to be his opponents, for he tells us that the Earl Marshal instead of resenting his attack upon his court, thanked him for dealing so respectfully with his person, and assured him that he had been led into the stretching of his supposed powers, by the evil advice of some eminent civilians amongst others the father of Henry Marten. Parliament soon found necessity for Hyde's ability, in the war it was about to make upon the Courts of Law on a number of great constitutional questions that were about to be for ever set at rest. He had been appointed chairman of several committees of great importance, and his "credit in the house" had risen extremely. It was to Hyde that the important office was committed of bringing before the Parliament the iniquities of the court of York, (as Strafford's Court of the President of the North was popularly called) and this he did with as much spirit as he had attacked the court of the Earl Marshal. In his speeches on the occasion of these motions for reform of the tribunals, there is a great affectation of the peculiar quaintness of illustration one finds in the speeches of Lord Bacon, and a similar mode of introducing classical allusions. The tone of all his oratory at this time without exhibiting the violence of the Republican party, was yet very determined against the protegès of the court. It was not to be expected that Parliament finding itself so powerful, and having already in its grasp the ablest assistant of the crown, would overlook those servile judges who had delivered their opinions so complacently in the matter of ship money, and the various other illegal imposts of the court. Accordingly a committee was appointed, of which Hyde was chairman, to prepare the charges against the judges for corrupt decision on the great trials of shipmoney. The report of this committee induced the house to send up Waller with a message to the Lords,

Attacks the Court of York.

who immediately ordered the arrest of Bramston, Davenport, Berkeley, Crawley, Trevor and Weston; and Berkeley being impeached of high treason, was arrested on the bench of the Common Pleas,—a proceeding adopted for the purpose of shewing to the lawyers and all Westminster Hall, how formidable was the power of Parliament. At the same period, Hyde was intrusted to carry up the charges of the Commons against Lord Keeper Finch, and for his mode of acquitting himself in that employment, he had given to him the thanks of the House. Being thus the chief actor in that impeachment, and having the principal confidence reposed in him, it is hard to doubt that in after days, when he wrote his history, Clarendon had some authority for saying, that Finch escaped by coming to a compromise with the popular party. Windebank, who was impeached along with him, was saved by the connivance of the Queen, and fled to France, where he embraced the Roman Catholic religion. Hyde had now become a regular "working member" of the house, and besides being employed on such great occasions as that of an impeachment, he took the chair at several committees, on subjects of minor importance. On such an occasion he relates, that his first difference arose with Oliver Cromwell. The committee was on a bill for the enclosure of a common, promoted by Lord Mandeville, but the proprietors of the neighbourhood opposed it, alleging an ancient right of commonage. Cromwell who was a member of the committee violently opposed the bill, and brow-beat the witnesses for Lord Mandeville, until Hyde as chairman, was compelled to interfere. Cromwell now turned round upon Hyde and charged him with partiality, but was, as Hyde records, put down by a cry from the committee. How the bill ended we are not informed, but the aversion of Hyde and Cromwell was enduring. On the 22nd. of May 1641, the charges against the judges were brought before the Lords, by Hyde as the manager for the commons. The cases into which he principally went, were that of Hampden for the ship-money, of Rolls, whose goods were seized for tonnage and poundage, and of Vassall, who was levied upon, for refusing to pay an impost laid on without consent of parliament. The speech delivered by Hyde on

Becomes an important Member.

CHAP. II.

this occasion was characterised by great force and power of illustration, full, no doubt, of the conceits popular in the oratory of the age, such as of the Barons of the Exchequer being "lions on the steps of the throne," and so forth, but still going to the very heart of those great grievances which had been brought on by the unconstitutional courses to which the hostility of his early parliaments had driven the king. The next distinguished employment for which the Commons demanded the services of Hyde, was in conducting on their behalf, the conference with the Lords held for the purpose of abolishing Strafford's court of York. In this he had a noble subject for declamation, and he seems to have been quite equal to the task. Both Lords and Commons were charmed with his eloquent denunciation, and Lord Bath, reporter of the Lords, requested a copy of the speech, lest he should do the orator injustice in the eyes of their lordships, by an imperfect report. With this copy, Hyde furnished him, showing that he had depended little to extemporaneous fluency in the effect he had made.

Impeaches the Judges.

In the meantime however, while the machinery by which Strafford had made himself so formidable and so feared was being thus destroyed—he, the chief manager of the contrivances of despotism was approaching that last great scene of his short but stupendous career,—the trial at which—his master frightened, and his friends dispersed—he stood single-handed before party-fury, religious fanaticism servile treachery, and personal hate, and for one wavering moment seemed to have, braved the fury of three whole kingdoms—a fury which at the very worst could obtain no concession from "that dauntless soul that perished in its pride."

A committee, with powers without precedent, was appointed to get up evidence in support of the impeachment, and Hyde was one of its most active members. Pym with the bitterness of inferior minds, had kept his threat of following Strafford "till the head was off his shoulders," and Charles was about to experience the truth of his father's homely Scotch warning, when he said to him and Buckingham,—"Hae' a care, ye'll baith live to hae yer belly full o' impeachments!" The signs of distress were thickening around Strafford. The

populace, always most capable of an individual hatred, had fixed upon the man the blame of a system. Those who could not appreciate his mighty genius attributed his enormous power to his great place. All that he had attempted for public good was forgotten, and all that he had, or had not, done was accumulated in the labour of hate which Pym had been preparing for three months. His servants had deserted, and the recipients of the benefits of his despotic acts were afraid to acknowledge him. Still however, the true case was unfit to meet and allay, the appetite for the monstrous which had been excited in the people by the exaggeration of his crimes; when, hearing that the lion was in the toils, assistance was offered to Pym by a body, which had, throughout every age of its existence, the eminent distinction of having been the most corrupt and infamous of all legislative assemblies,—the Irish Parliament. These gentlemen, who during Strafford's Vice-royalty had displayed the same independence that is shown by a kennel of hounds at the sound of the huntsman's whip, and to whom the visage of "black Tom," as they termed him, was a token of silence, sent over a committee to assist in the impeachment.

Impeachment of Strafford.

The efforts of the King to save his minister were in the meantime, very weak and ill-judged. He had thought of giving some great offices of state to the chief of the prosecutors. Pym was to have been Chancellor of the Exchequer, and "of this" Whitelocke says, "there was considerable talk," a fact, evidencing at least of what the public thought the party leaders capable. This plan, however, fell to the ground, and the prosecution went on as before. Hyde had continued to give his assistance in getting up the evidence, but as might have been expected from his character for moderation, he was not forward in hurrying the proceedings, and had considerable intercourse with the court party. Of this he relates a curious incident. He had gone by appointment to meet the Earl of Bedford who was attached to the King, during the time of suspense which preceded the bringing of Strafford to trial. The interview was "at a place called Picadilly, which was a fair house for entertainment and gaming, with handsome gravel walks and shade, and where were an upper and lower

CHAP. II.

bowling green." Here he found Lord Bedford, who told him, that if the Commons would abandon the prosecution of Strafford, the King would come to any reasonable terms, and would dismiss Strafford and render him for ever, incapable of serving him. This he desired Hyde to convey to the Earl of Essex. Hyde accordingly went to seek the Earl, and found him walking in another portion of the walks. He detailed to him the offers of the King, and impressed the propriety of accepting them, but Essex, who was a saturnine man, turned away with the celebrated reply, "Stone-dead hath no fellow!" As a matter of policy for the republican party, Essex was right. The genius of Strafford could not be safely left at large. Shortly after, the famous trial (with which every one is familiar) came on, but after this time we find no more mention of Hyde as an active opponent of the party of the court. He does not seem to have publicly committed himself to the Royal party, but he became lukewarm in his assistance to the Republicans. The evident disposition to overthrow the Church, which he could not have failed to remark, was one great reason of Hyde conceiving that the popular party were going too far. At this time Pym lodged in a court near the House of Commons, and kept a table by "common stock" with Hampden, where Hyde, like many others whom they wished to convert, was asked frequently to dine. Here he became upon terms of intimacy with Fiennes, Martin and others, and began to discover more clearly how deeply a large section of the parliament was bent on trying the Republican experiment. He mentions that Fiennes, as they rode together in the fields between Westminster and Chelsea, told him roundly that he would undo himself, if he abided by the party of the court and especially by the Bishops, for that no power could retain episcopacy. Henry Marten went a great deal further, and told Hyde significantly that "no one man was wise enough to govern England." Hyde was not prepared for such doctrine as this. However bold he had been in redressing grievances, he had no idea of altering the constitution, and his greater intimacy with the Republican leaders so far from converting him, disposed him still more to turn his eyes towards the court. He had been at all times perfectly

Declaration of Essex

Plans of the Republicans.

consistent in his attachment to the Church of England, and his friendship for Laud was sincere. The attack therefore upon episcopacy at once disposed him to abandon the party of Pym and Hampden. This disposition was doubtless duly reported to Charles, who knew well the value of making a show of confidence and gratitude. Accordingly, one morning in the house, Mr. Piercey, brother of the Duke of Northumberland, delivered a message from the King to Hyde desiring his attendance at the palace. The cause of this gracious message is to be found in Hyde's whole policy of favouring reform rather than republicanism, but doubtless the immediate inducement in the mind of the King, was his speech against the bill, brought in to abolish the temporal power of the clergy. This bill was founded in a resolution of the Commons that the power of the Bishops in the House of Peers, was a great hindrance to their spiritual functions, and that Bishops and Clergy, ought not to be justices of peace, and have judicial power in the Star-chamber, nor in any civil court, nor should be employed in any temporal office whatsoever. Hyde, well-informed that the attack on the temporal powers of the Episcopate, was but the fore-runner of an attempt to overthrow the spiritual power of the same body, spoke strongly against the bill. The result of this bill showed that his anticipations were correct. The moment it was lost in the Lord's, another was brought in, drawn by St. John, for the "utter abolishing" of Episcopacy "out of the Church of England." It is needless here to relate the progress of the famous bill for the abolition of Episcopacy. It went rapidly through the lower house, Hyde having been, with an adroitness worthy of the parliamentary tactics of the present day, voted, against his will, into the chair of the committee, to relieve the Presbyterians from the inconvenience of his frequent speaking in favour of the Church. At this time took place Hyde's first interview with Charles I., an interview that produced a lasting influence on the opinions and fortunes of the future minister, and which fixed that attachment to the Court, which he had first conceived from his love to the Church of England. The narrative of the interview which he has left us, is vague and meagre. Written eight-and

Hyde abandons the Republican party.

Has an interview with the King.

CHAP. II.

twenty years after the events related, and by a hand not over accurate or impartial, we can yet gather from it the spirit if not the facts of the incident, which fixed the future politics of Clarendon. The King confined his praises chiefly to those services which his subject had rendered to the Church, and intrusted to him to "look to it that they did not carry the bill before he went to Scotland," after which he would look to it himself. This Hyde undertook to do, and discharged his promise in so satisfactory a manner that the King wrote from the North to thank him.

CHAPTER III.

FROM HYDE'S ADHERENCE TO THE ROYAL CAUSE, TO THE DEATH OF THE KING.

Prospects of the cause of the King and Parliament. The Irish Rebellion. The "Remonstrance." Hyde opposes the publication. Drafts the King's reply. Declines the post of Solicitor General. Becomes one of the King's managers in Parliament. Advice to the King. His final abandonment of the Parliament. Beginning of the War. Hyde retreats to York. The King hoists his standard at Nottingham. Hyde takes charge of the Princes. Is made Chancellor of the Exchequer. And appointed of the Prince of Wales' Council in the West. Hyde carries the Prince to Scilly and Jersey. The Prince goes to France. Hyde commences his history. Joins the Prince of Wales at the Hague. Death of the King.

CHAP. III.

THE decision of a statesman as to what party he would espouse, was attended in those days with much greater difficulty and danger, than at the present time, but the argument that Hyde could hope nothing from Charles is anything but cogent. Charles was far from beaten. The very bill concerning Episcopacy proposed to give the Church lands to the King. If Strafford had fallen by no ordinary fate, he was no ordinary offender against the spirit of the time. In the pageant of the departure for Scotland, he would have been a gifted seer that could discover the shadows of the field of Naseby, or the scaffold of Whitehall. Finally Hyde by early association and by profession had the instincts of a lawyer. He was attached to authority and precedent, and the King could still grant the pomp of ermine, and the glitter of a mace. Besides, the Parliament had already begun to assume that sovereign power, which was in the end its own destruction and commenced to command the military force, that subsequently commanded it. There was in fact to a man of penetration more danger at this time, (Nov. 1641,) in abiding by the Parliament than in going over to the King.

Prospects of the cause of the King

CHAP. III.

The Commons had informed the Peers that they were representatives and their lordships "private persons;" had issued "an ordinance" to raise the militia and had imprisoned subjects for exercising the right of petition. In fact nothing in the history of despotism can exceed the narrative of the tyranny exercised at this time by the parliament. Such was the body, the desertion of which by Hyde, we are asked to consider an act of disinterestedness and self sacrifice. These who had seen the fall of the Star-chamber and the High Commission could not expect a long existence for a body that emulated the tyranny of both.

Such policy had been gradually bringing the Parliament into popular contempt, when there occurred the famous outbreak of the native Irish, against the British settlers, in Ulster, commonly called the Irish rebellion of 1641. In the reign of James I. the patrimony of two powerful celtic chiefs, O'Neill, and O'Donnell constituting nearly seven counties in the North of Ireland, had been escheated to the Crown, and conferred on the city of London, and a host of private "adventurers" who undertook to introduce "religion and civility." In this settlement little care was taken of the interests of the aboriginal inhabitants and the suzerains despoiled of their estates, and the vassals of their holdings remained quiet, but not conquered on their native soil. The troubles of the King gave them the opportunity to strike a blow, and they hesitated at no means to rid their country of the unwelcome strangers. The horrors of this rising, though greatly exaggerated by the Parliamentary writers of the time, were truly enormous and the Parliament taking advantage of a false cry of the insurgents, attempted to fix the guilt upon the King. With this view the Republican party urged on the "remonstrance," which, after all, showed that the King had redressed many evils, and the chief charges of which, were too vague to appear in a document professing to desire a practical reformation. That it was meant merely to stir up the minds of the people against the King, the resolution to print and publish it sufficiently shows.

The Irish Rebellion of 1641.

The "Remonstrance."

The Irish rebellion was the theme of every man's conversation, and those who look at the avalanche of broadsheets,

(each detailing greater horrors than the last, until at length they alleged the supernatural itself,) with which England was inundated at the time, will not blame Hyde for opposing the publication. Yet for protesting against it he narrowly escaped being committed to the tower, whither his friend Palmer was sent for a similar offence.

Hyde was now almost avowedly an adherent of the Court, and since he could not prevail upon the Parliament not to publish the remonstrance, he set about framing a reply, which, by means of Falkland and Digby, he brought to the notice of the King. We are asked to believe that Hyde, on shewing this reply to those two personages, did not mean that the King should hear of it, but if he wrote it at such a time with so much pains for mere amusement, and if Digby told the King of it by accident—both incidents were, to say the least, remarkable. Hyde's draft of the reply was adopted and issued by the King, who in acknowledgement of his services offered him the post of Solicitor-General, to be vacated by the removal of St. John. This offer however Hyde thought proper to decline, alleging that he could do more good, and St. John less mischief, if they were both permitted to remain as they were. The King's affairs in Parliament were therefore committed to Falkland, Colepepper and Hyde, and they were indeed no light nor unimportant trust. The attempted seizure of the five members almost immediately followed—a proceeding in which Charles consulted temper and his wife, infinitely more than prudence or principle. His supposed advisers have been at great pains, as became them, to disavow every portion of this transaction. It was however, as far as they were concerned rather a mistake in the means than in the end, and it is surely almost a matter of ridicule, to tell us now-adays that Hyde was "generously contending for a hopeless cause."* As might have been expected, the fruitless blow was a great cause of distress to the Counsellors of the King, who would have adopted other means. They found that they had not the confidence they had a right to hope for, from their sacrifice of popularity, or rather that the King was incapable of

Declines the Solicitor-Generalship.

* Lister's Life of Clarendon, I., 147.

CHAP. III.

reposing confidence in any one. Hyde's case however was the most unfortunate. He had not even ostensible office; and was by the one side suspected of advising those despotic councils, with the intention of which he was not even trusted. He tells us that the men who managed the King's affairs, "perfectly detested" such councils, but we have no remonstrance, nor any attempt to show the King the precipice upon which he was advancing. It is impossible to suspect such men as Hyde and Falkland, of being privy to any design so mad as Charles's invasion of the House of Commons. Both parties had long expected a resort to force, but one side was infinitely better prepared than the other to adopt it, and while the King quitted London for Hampton Court, never, as it resulted, to return, but in custody, the House assumed complete military power.

Hyde had not attended the King from London, having no special office, but the message sent from Windsor to the Parliament, was framed partly by his assistance. He was also aiding the King in his correspondence with the Commons, in which, while inordinate demands were pressed by one side, they were met by unreasonable denials on the other. In the angry negociations at the time of the departure of the Queen, as to the custody of the Prince of Wales, Hyde by his influence with both parties, endeavoured, with some success, to soften down asperities, and gave the King excellent advice, that "his greatest strength lay in the hearts and affections of those perssons who had been the severest assertors of the public liberties." Early in 1642, the King replied to the demand of the Commons as to the Militia. His answer was, for him, temperate and conciliatory, but the reply agreed upon by the Commons being rather dictatorial, and likely to provoke Charles's anger, Hyde quitted the house as soon as it had been agreed on, and conveyed a letter to the King, warning him of its nature, and cautioning him against any sudden exhibition of passion to those who might deliver it. The answer was calm and dignified, and fraught with much truth, but it only served to provoke the houses to further and more violent demands and greater and more vague accusations. Of the latter was

Hyde's advice to the King.

the unfounded charge against the King, of having encouraged or fermented the rebellion in Ireland. That rebellion was in fact, used at the time as the Popish plot was in the following reign. Whoever was obnoxious to the Parliament, was charged with favouring the rebellion. Thus, when Charles in his message from Huntingdon, reminded the Commons that no legal act could be done without the Royal assent, they resolved that whoever advised the answer must be a favourer of the Irish rebellion. We have been particular in relating these circumstances, otherwise sufficiently notorious, because they lead to the final abandonment by Hyde not only of the republican party but of the Parliament.

Hyde finally abandons the Parliament.

Since the answer to the Remonstrance, in the previous November, Hyde had been more than suspected of being one of the "evil counsellors," and the Parliament was, to say the truth, not without good reason for believing that he was making his powers of oratory subservient to his hopes of place. It was now known that the Queen's departure was with a view to engage foreign powers in the cause of Charles; and that Hyde had been at least privy to the design of her going off—that the Earl of Glamorgan had been sent into Ireland, and that Sir Phelim O'Neill the head of the insurgents there, boasted (falsely as it turned out) a commission from the Queen. Those were dangerous days to play a double game in politics when the argument on both sides was the Tower and the block. Those who fought against the King with the perseverance and tenacity of the Parliamentary leaders, were very unlikely to be ignorant of the frequent interviews between Falkland, Colepepper and Hyde, and had on one occasion actually planned to send the whole three at one *coup* to the Tower. To avoid this, we are told that Hyde, Colepepper and Falkland agreed never to be in the House simultaneously, but why a body so daring as the Parliament was not to commit them *seriatim* if it meant to commit them at all, Clarendon has left to our unaided sagacity to discover. Hyde was at this time to borrow a word from modern political parlance "playing fast and loose." Parliament more than suspected his dishonesty to their cause, and the King for his own interests dare not

CHAP. III.

offer him a place. The answers he dictated were much too democratic for the Royalists and much too Royal for the Parliament. The latter replied to each with more audacious demands; and the former said "Our good pen will harm us."* Warwick says, the letters of Hyde "rather wounded the regality than convinced the refractory," and indeed such reproaches were not unmerited by any man who in the middle of 1642 had the folly to fancy that there was any other umpire between Charles and his Parliament than the sword. Circumstances, however, soon resolved the question. The "good pen" was shortly, only to be employed in writing for subsidies to the country gentry, or in sending commissions to get regiments afoot. The negociator sank for a time into a clerk, or Secretary at War. The King had been refused admission into Hull, and the war was in fact begun. At this period, (April, 1642), Hyde received a summons to attend the King at York, and prepared to obey it the moment that the opportunity to do so, should occur.

Beginning of the War —Hyde repairs to York.

Having arranged their future policy with Colepepper and Falkland, he waited for the publication of the Parliaments declaration of the 19th of May, and excusing himself on the ground of ill-health, he proceeded to the house of a friend near Oxford, and thence to Nostall, the residence of Sir John Wolstenholme, in the neighbourhood of York. The answer to the declaration of the Parliament was drawn up by Falkland and Colepepper, and submitted to Hyde, but the event is no otherwise remarkable than for Hyde's objection that the constitution should be described as "the King *and* the three Estates of the Realm," the Bishops being the third. Such a suggestion in the then temper of the Parliament was hardly worthy of Hyde's usual sagacity, as the hostility to Episcopacy was daily ripening into fury The King previous to this time, had, however, unwillingly given his consent to the bill for the abolition of Episcopal powers in temporal affairs, and hair-splitting on the subject might have been well dispensed with. The bill

* Warwick's Memoirs quoted by Lister.

had been opposed with far greater ability than was displayed on the side of its promoters, and those who fall into the common cant that Laud was not a man of parts may find in his answer to Say and Sele, both the learning and the logic of a man who need have feared comparison with few, in Theology and Dialectics. The time, however, for word-debating was at an end. The two parties in the state had declared themselves. Neither concession on one side, nor conciliation on the other was to be expected. The question, describe it as we please, was the question of Republicanism and Monarchy, and the result was the hoisting of the King's Standard at Nottingham, on the 22nd of August, 1642. Even after this step, the King was still advised (contrary to his own opinion) by those around him, that he ought to offer a treaty to the Parliament, and Clarendon was again in his desired office, of writing a despatch full of empty protestations and useless entreaties. To do Hyde justice no man ever had in such negociations the knack so well of destroying in one sentence the meaning of the last, or of neutralizing such a phrase as "liberty of our subjects" with its corresponding opposite, "our just prerogative." The House as might have been expected, treated the message with studied contempt. Colepepper was ordered not to present it in his seat, but at the bar, and the Lords informed Lord Southampton, that he might send the message, and quit London. After this, the quality of being able to obtain plate or money, was much more valuable than that of writing letters to the Parliament, and in this department Hyde showed his anxiety for the service of the King. The obtaining of the plate of the Universities, of several rich and noble families, and the sale of Peerages, seem to have been his new employments. Events came thickly on the footsteps of each other, and in a little time was fought the battle of Edgehill, on which occasion, Hyde had charge of the two sons of the King; Charles, Prince of Wales, and James Duke of York, the one twelve years old, and the other nine. It is needless here to recount what followed. The King, though by the Parliamentary Gazette said to be defeated, marched on to Oxford, and thence to Reading, whence the Parliamentary garrison fled to London, (led in their flight at

The King hoists his standard at Nottingham.

Hyde takes charge of the Princes.

CHAP. III.

least, by the most truculent of the Republicans, Henry Marten. The attempt, by the Parliament, to treat, the affair at Brentford, and the retirement of the King to Oxford, quickly followed. Hyde's partizanship having been for some time public, he was now to be raised to the rank of a responsible servant of the Crown, and he was accordingly, at Oxford, offered the place of Secretary of State. This office, he declined, as Masters who held it, was not disposed to retire to make way for him, but Colepepper having been made Master of the Rolls, Hyde was promoted to be Chancellor of the Exchequer, and created a Knight. The King's intention of employing him had been made public some time before, by the divulging of an intercepted letter to the Queen, in which he said, "I must make Ned Hyde Secretary of State, for the truth is, I can trust nobody else."

Is made Chancellor of the Exchequer.

The Council to which he was now introduced was a body of little importance, possessing that small authority and consideration which attach to civil councils, when all is to be decided by a war. Hyde was therefore for some time comparatively inactive, and he sneers accordingly at the military men who thought themselves judges of what counsels ought to be, because they were chiefly to execute them. Rupert's capture of Bristol however, and Newcastle's defeat of Fairfax, were more brilliant services than the ablest lawyer could hope to render; and the best specimen of evasion that Hyde had ever written, was naturally of little value compared to the trooper's bullet, that sent Hampden from the field of Chalgrove, "drooping over his saddle-bow." Of the little services which the civil councillors of the King had at this time to transact, Hyde takes to himself the credit of doing whatever was wise and politic—an assumption hardly consistent with his assertion, that he was paramount in the counsels of the King. The moderation of Charles, and the great successes in the June of 1643, is doubtless attributable in some degree, to the advice of the Chancellor of the Exchequer, but there is also little doubt that they were consonant with the disposition of the King himself. Yet the prosperity which gave merit to Charles's moderation was but short-lived, and in one of the earliest of the reverses that followed—the

battle of Newbury—Hyde's friend, Lord Falkland, fell. This was the beginning of the end, and Hyde began to feel that the cause of monarchy was now seriously menaced. The Court fell into the utmost jealousies and confusion, and Hyde seems to have been the victim of much reflection as a *novus homo* from those who had not half his pretension to office—men, who, he laments, though noble in birth took but little "care of themselves by education, literature, and a love of virtue." Though they might sneer at his origin, however, they were compelled to adopt his advice, and he counselled the calling of the Parliament at Oxford, in January, 1644, and was the principal negociator at the further attempt to treat with which the Parliament amused the Royalists in the following year. The determination to send the Prince of Wales into the West, attended by a Council caused the final separation of Hyde and the King, and on the 5th of March, 1645, they parted never to meet again. Charles had shown for him great esteem, and given him much confidence, and now he warned him against falling into differences with Colepepper, with whom he said he had observed him angry. The Chancellor of the Exchequer acknowledged the King's trust and regard, and promised to avoid any personal feeling that might militate against his service.

Separates from the King.

Prince Charles's expedition into the West, need not be narrated here. The Council of which Hyde formed a part were able to exercise little control over the unruly soldiers with whom they had to deal. Disobedient soldiery and failing subsidies, were succeeded by quarrelsome and divided councils. The disastrous news of Naseby was followed by Goring's scandalous miscarriage at Langport, and the King now found himself contending with an exasperated population, who attributed all the evils of the time to the Royal troops alone. The tide had set entirely against the Royal cause, and Charles wrote to his son, that when he found himself in danger he should convey himself to France. Circumstances precipitated the contingency to which the King's command referred. On the advance of Fairfax, Hyde carried his Royal charge to Scilly, and after passing the 9th of

Is appointed one of the Prince of Wales' Council in the West.

Carries the Prince to Scilly, and thence to Jersey.

CHAP. III.

February, and part of March, 1646, in that Island, amongst many privations, and in daily fear of the Parliamentary fleet, retreated thence to Jersey. Here he found that the policy he had always opposed was likely to prevail—the removal of the Prince to France. The use the Parliament was likely to make of this removal was clear enough to him who knew the Republican party and the value of a cry. The influence of the Queen was too powerful for his opposition, however politic and reasonable, and the Prince accordingly departed for France in July.

The Prince goes to France.

While Charles had entered on the three years of disaster and misery that preceded his death, and was contending with false friends and implacable enemies, receiving ambassadors instructed not to treat, and conceding demands that only suggested more,—while that crowning treachery was committed that has left a stigma, for ever indelible, upon the Scottish name and the King had been given up to those who from the beginning had looked for empire, to his death. Hyde, hopeless of succouring effectually, and tired of counselling in vain, betook himself to the writing of that great monument which with all its faults has immortalized his name, the History of the Great Rebellion. His relation of his mode of life in Jersey* gives us a glimpse of unexpected repose in times so troublous, and his general application for information and assistance to those best qualified to give both, ought to relieve the writer from the charges of inaccuracy, which one party has frequently brought against it. While writing to all who were likely to render assistance in his work, he did not allow it to remain at a stand, in the hope of the new supplies he sought.

Hyde commences his History.

* "Whilst the Lords Capel and Hopton stayed there, they lived and kept house together in St. Hilary's, which is the chief town of the island, where, having a chaplain of their own they had prayers every day in the church, at eleven of the clock in the morning, till which hour they enjoyed themselves in their chambers according as they thought fit, the Chancellor betaking himself to the continuance of the history which he had begun at Scilly, and spending most of his time at that exercise. The other two walked or rode abroad, or read, as they were disposed; but at the hour of prayers they always met, and then dined together at the Lord Hopton's lodgings, which was the best house; they being lodged at several houses with convenience enough. Their table was maintained at their joint expense, only for dinners, they never using to sup, but met always upon the sands in the morning to walk after going to the Castle to Sir George Carteret, who treated them with extraordinary kindness and civility, and spent much time with them."—*Life of Clarendon*, II. 289.

To Sheldon he wrote in 1647, "I have written since I came into this blessed Isle, near three hundred large sheets of paper in this delicate hand." The plan which he proposed to himself* would have formed a much more interesting book than that which he has produced, however valuable,—but as a soldier engaged is sometimes the worst historian of a battle, so subsequent authority has enabled us to know, even more accurately than Hyde, some of the secret springs of the occurrences of his own time. There is perhaps no man who has written so much, of whose private affairs we know so little, as those of Hyde. He had been ever since the commencement of the troubles of the King, much separated from his family, and it is only in occasional and meagre notices in his letters, of his wife's firmness and magnanimity under their trials, that we can gather any thing of their domestic life. While he resided at Jersey, Lady Hyde was in England, "in the country," suffering, as appears from his letters, danger of great privation, which afterwards came in fact. His literary life at Jersey, was of short continuance. He was almost simultaneously alarmed by intimation that the Parliament and the French, each contemplated the seizure of the Island, and so serious did his danger appear, that he made a will, drew up a justification, and wrote letters to Lady Hyde, the King, and Prince, and several of his friends. The apprehension however passed away, and he accepted the invitation of Lord Carteret to reside with him at Castle Elizabeth, where he testified his desire of obscurity by placing over his apartments, *Bene vixit qui bene latuit*—a motto perhaps not much more sincere than Bolingbroke's

* "I write with all fidelity and freedom of all I know of persons and things and the oversights and omissions on both sides, in order to what they then desired; so that you will believe it will make mad work among friends and foes if it were published; but out of it enough may be chosen to make a perfect story, and the original kept for their perusal, who may be the wiser for knowing the most secret truths; and you know it will be an easier matter to blot out two sheets than to write half a one. If I live to finish it (as on my conscience I write apace) I intend to seal it up, and have it always with me. If I die, I appoint it to be delivered to you (with a couple of good fellows more); I shall leave it, that, either of you dying, you may so preserve it, that in due time, somewhat by your care may be published, and the original be delivered to the king, who will not find himself flattered in it, or irreverently handled, though the truth will better become a dead than a living man." *Clarendon State Papers*, II. 289.

CHAR. III.

famous inscription on his villa at Dawley,—*Satis beatus ruris honoribus.*

Joins the Prince of Wales at the Hague.

The temporary gleam of prosperity which broke upon the affairs of the unfortunate King, in 1648, caused Hyde to be called to meet the Prince of Wales at Paris, but before he could obey the summons, the Prince had sailed on his luckless expedition to the Thames. Hyde in following him in a small French vessel of war, along with Cottington, was plundered by privateers, and before he could resume his journey, Warwick had beaten the Prince of Wales's fleet; and in September, his former counsellor rejoined him at the Hague.

Death of the King.

Events in England followed each other with the speed of anarchy. The Parliament no longer need occupy itself with deceptive embassies, or irritating demands. Its prisoner was in its hands, with but a few months to come of his "Solitudes and his Sufferings;" but the Parliament had lost the spell to quell again the demon it had evoked. The mace had overthrown the sceptre, that the halbert might overthrow the mace. Military despotism was proclaimed barefaced, and on the 8th of January, began that impious mockery, which terminated on the 30th, in "that murder, so foul and horrible, as that the records of no christian people hath the like."*

* Protest of the Presbyterians.—*Vide Milton's Prose Works.*

CHAPTER IV.

FROM THE DEATH OF THE KING, TO THE RESTORATION.

The Court of Charles II. at the Hague. The fleet sent to Ireland. Hyde Ambassador to Spain. His sufferings there. Murder of Ascham. Failure of the Embassy. Return to Antwerp. Rejoins the King at Paris. Defeats attempts to convert Charles. Cromwell's Dutch War. Great Privations of the King. And of Hyde. Charles quits Paris. Management of Hyde. Cromwell's Spanish War. The Duke of Ormonde. Hyde made Lord Chancellor. Death of Cromwell.

THE occupation of Hyde at the Hague, seems to have been similar to that which is usually required of a man of wisdom and prudence, in a collection of adventurous and ambitious spirits compelled to "champ the bit" before attempting desperate enterprise. One of his earliest employments was to compose a pending duel between Prince Rupert and Lord Colepepper, and his daily business was to advise regarding the disposal of that mutinous fleet which had deserted from the Parliament, and encumbered Charles with its services. Though Hyde had reached the Hague in time to have advised the necessity of the fleet assisting to carry off the King from the Isle of Wight, no such policy seems to have been seriously entertained, but on the contrary, Rupert was ordered to sail with it to the Irish coast, in the hope that the population of that country, who were, in fact, in arms for their national liberty, would make their quarrel a question of two English parties. That the King was prevented from thinking of escape by sea, by some private influence, Clarendon has declared, and that influence has been particularized by a late able biographer himself nearly connected with Sir Edward Hyde's descendants.* That writer says, however, that it is an imputation upon Henrietta

The Court of Charles II. at the Hague.

* That the Queen advised her husband to remain, in the hope of his destruction, that she might enjoy the society of Jermyn.—*Lister's Life of Clarendon.*

CHAP. IV.

Maria, "too grave to be admitted on slender grounds." Was it not too grave to be suggested on such grounds at all?"

While the notion of Prince Charles's taking refuge in Ireland was still discussed, the Scottish commissioners arrived to offer him the crown upon conditions, and the murder of Dorislaus compelled him to quit the Hague. Hyde was now to undertake the duty of an ambassador to Spain, in company with Lord Cottingham, with the forlorn hope of obtaining money, and the frantic project of influencing through the court of Spain, the insurgent Irish. He, therefore, placed his wife and children, who had now joined him, to reside at Antwerp pending his mission, and proceeded on his embassy. Cromwell's invasion of Ireland, had, however, put an end to Charles's hopes in that quarter, and he had accordingly retired from Paris to Jersey.

Hyde Ambassador to Spain.

The court of Spain received the ambassador very coldly. The fame of Cromwell's successes deterred Don Louis de Haro from attempting too great an identification of his government with Charles, whom he even refused, at first, to call King of England, but persisted in designating the Prince of Wales. After much trouble, and residing some time incognito with an English merchant, of Madrid, they got at length an audience, and attempted to bind the King to some terms of sending assistance of arms and ammunition to Charles's party in Ireland, or, of inducing the insurgents to submit implicitly to the exiled monarch.* The answers they received were evasive and insincere, and though the sudden appearance of Rupert and his errant fleet off the Spanish coast, gained the ambassadors a moment of sunshine, it was suddenly clouded by a disaster to his ships at Carthagena, and the Parliamentarian admiral Popham The Ambassadors remained still at Madrid, in useless inactivity, as far as Charles's affairs were concerned, but Hyde with his usual energetic industry studying the constitution

* The student of Irish history will smile to read that one of Clarendon's requests to the Spanish King was, "to write such a letter to Owen O'Neil as would insure his submission to the King their master." Munro or Leven, or their own confederate Ormond, could have given them a better estimate of the plans of Owen Roe, but before the date of this request, if it had not even been futile it was too late. He had "died at Clough-outer upon St. Leonard's day."

and jurisprudence of Spain, and composing his Contemplations on the Psalms. They were, however, doomed to a greater disappointment by the intemperance of the followers of Royalty. Ascham, an envoy from the Parliament, arrived at Madrid in May, 1650, and the ambassadors of Charles properly remonstrated against his reception. Quickly on the delivery of this unavailing remonstrance came news of the murder of Ascham, and that one of the servants of the Embassy was present assisting. These facts however little, the Ambassadors had power to control them, militated against the interests of Charles, at Madrid. In the meantime the King had set sail for Scotland, swallowed the covenant, and professed excessive Presbytarianism, deplored the wickedness of his father and the idolatry of his mother, and was saved from being preached to death, by the battle of Dunbar. The ambassadors in Spain had been suffering extreme privation. Hyde writes to Nicholas on the 6th of January, 1651, "All my money is gone, and let me never prosper if I know or can imagine how we can get bread a month longer," and in the August of the same year, he adds, "Greater necessities are hardly felt by any men than we for the present, undergo, such as have almost made me foolish; so that I have not for my life been able either to pay you any part of my debt, or to supply the miserable wants and distress of my poor wife, both which I hope shortly to do." In the midst of all this unexampled distress, however, Hyde was still firm and fearless in his opposition to the idea of a compromise with Cromwell. "You and I," he says to Nicholas, "must die in the streets first of hunger." Cromwell having subdued the Royalists of Ireland, and broken the Covenanters' power at Dunbar; the Spanish court desired Hyde plainly to depart from Madrid, and he obeyed immediately, leaving his colleague Cottington, to finish his days in Spain, the country he had chosen since his re-admission to Roman Catholic faith. Hyde quitted Madrid in March, 1651, and remained at Antwerp with his family till the autumn of the same year, when Charles II. returned after his disastrous expedition and marvellous escape. Hyde was immediately summoned to the presence of the King, at Paris, where he

Murder of Ascham.

Sufferings of the Embassy.

CHAP. IV.

first made the acquaintance of James, Duke of Ormonde, called by the Anglo-Irish "the Great." Charles created a council at this time, of his principal offices of state, and in its deliberations, the sagacity of Hyde is again apparent. The Queen wished Sir John Berkeley made Master of the Wards, a place which Hyde truly said, as Charles I. had undertaken to abolish it, to fill up now would be but to hoist the flag of powerless despotism. The picture which Clarendon draws of the state of affairs at Charles's Court at Paris, bears a remarkable likeness to that which in the next century Bolingbroke drew of the Court of the Chevalier; one perpetual contest for nominal honours, and one unceasing struggle for the little money that Charles was able to obtain,—the greatest question of finance, how the French pensions could be saved from the Queen-mother's debts, and the greatest question of state, whether James, Duke of York, should go to the wars with Turenne. The future Prime Minister had sufficient business in combatting the schemes of Henrietta Maria, to make Charles a Roman Catholic,—a task she and her confessors attempted according to the rules of polemical medicine—by trying to administer Presbyterianism as a tonic: Hyde however prevented his attending the Huegenot Church at Charenton, and found no unwilling pupil in Charles, whose recollections of Scotland were any thing but captivating. Hyde appears to have been concurring in Charles's project in 1652, of going aboard the Dutch fleet to seduce his own subjects from the service of Cromwell in the war with Holland. The project was overthrown, however, by the wisdom of De Witt, who neither greatly hated Cromwell, nor loved the House of Orange. In the meantime great pecuniary distresses began to fall upon the exiled Court. Rupert, though the prizes he took amounted to £14,000 still made the King his debtor, and the officials of the French ports, as their manner always was, assisted in the plunder. In the autumn of 1652, Hyde writes to Sir Michael Browne in describing their condition, "A summ lately receaved at Paris for the Kinge, which is "all the money he hath receaved since he came hither, doth "not inable his cooks and back stayres men to goe on in

Defeats attempts to convert Charles.

Great privation of the King

CHAP. IV.

"provyding his dyett:"* and in the June of the following year he wrote to Secretary Nicholas, regarding the condition of the King himself. "I dont know that any man is yet dead for want of bread, which really I do wonder at. I am sure the King himself owes for all he hath eaten since April: and I am not acquainted with one servant of his who hath a pistole in his pocket. Five or six of us eat together one meal a day, for a pistole a week: but all of us owe, for God knows how many weeks, to the poor woman that feeds us. I believe my Lord Ormonde hath not had five livres in his purse this month, and hath fewer clothes of all sorts than you have, and yet I take you to be no gallant."†

And of Hyde.

Personally, the privations which Hyde suffered were excessive. He writes November 9, 1662, "At this time I have neither clothes nor fire to preserve me from the sharpness of the season."‡

And again,

"I am so cold that I am scarcely able to hold my pen, and "have not three sous in the world to buy a faggot. I have not been master of a crown these many months, am cold for want of clothes and fire, and owe for all the meat which I have eaten these three months, and to a poor woman who is no longer able to trust; and my poor family at Antwerp (which breaks my heart) is in as sad a state as I am."§

Poverty and ill health and the efforts of factious foes made Hyde's life at Paris a burden. The Queen, who never had him in favour, was daily endeavouring to break his influence and thwart his wisest plans, and the Roman Catholics and Presbyterians, who equally detested him for his strict Anglicanism, were plotting to have him removed from Charles's councils. Even the King felt somewhat irked by a minister who plagued him with advice to attend to his own business. Hyde's enemies finding notwithstanding that by fair means nothing could be accomplished, got up a charge, on the authority of a maid-servant, that he had visited Cromwell in England. Hyde showed triumphantly that the charge was false,

* Evelyn. v. 264.

† Clarendon State Papers, III. 171.

‡ Clarendon State Papers, III. 112.

§ Clarendon State Papers, III. 124.

CHAP. IV.

Charles quits Paris.

and shortly after the exiled King quitted Paris, the growing connexion between Cromwell and Mazarin making his stay neither agreeable to the French minister nor to the Royalists at home. When Charles removed to Cologne, Hyde joined his wife and family at Breda, where they had been accommodated with a residence by the kindness of the Princess of Orange. We have little record of the short time passed in retirement here, the chief event being the appointment of his daughter Anne Hyde, afterwards Duchess of York, to be Maid of Honor to the Princess. On rejoining the King at Cologne, Hyde was occupied in devising the means of combatting the design of the Queen to make the Duke of Gloucester turn Roman Catholic, a plan which by the energy of Ormonde was finally frustrated.

In the meantime the violence of Cromwell's military despotism, was daily assuring Hyde, who had once seen England roused to resistance, that the overthrow of the usurpation was near at hand. That fall, however inevitable, was yet, as he had the sagacity to see, reserved for no mean hand, and no obscure or cowardly plot. While the wild proposals and projects of the profligate adventurers, who flocked round Charles in his exile, were betrayed or discovered to the Protector, he was concluding his foreign relations, and in the eyes of other countries was consolidating a throne. As is usual, the most imprudent were the most garrulous amongst Charles's adherents, and the most desperate were of the Catalinian band, who looked to the paradise of public plunder which was to follow the Restoration. News of intended risings, assurances of extended conspiracies, and declarations of military disaffection, made Hyde's office anything but a sinecure. He was blamed for lukewarmness, and accused of disloyalty for disbelieving lying bulletins, the promise of which ended in a few nameless skirmishes, and the death of the rash men who led them.

Management of Hyde.

Where, however, action was feasible or necessary, Hyde was not timorous. His whole course, indeed, seems to have been guided by common sense. Under such influence was his detecting the spies of Cromwell in the Court of Charles, and his application for assistance to the King

of Spain, when Cromwell attacked the Spanish dominions in America. The inducements to Spain were plausible enough, but unfortunately were not true. Charles had little means of accomplishing what he promised,—the mutiny of Cromwell's fleet, and the withdrawal of the Irish from the service of France. He was indeed enabled partly to perform the latter promise, but the expedition of Sexby, even if that strange personage was not insane, may fairly be assumed to have had more to do with his own hopes of a Protectorate, than with the Restoration of the King. The man who could claim, from vanity, a treatise recommending assassination, had vanity for other projects, and little wisdom to meet the sleepless sagacity of the great Usurper who detected plots while scarcely in the bud, "immortal till his work was done." Cromwell's Spanish war had the brilliant fortunes of all his wars upon the Continent. A few Irish garrisons in the service of France moved, not by loyalty to Charles, but revenge for the massacres of Drogheda, Wexford and Kilkenny, deserted to the Spanish, but the war was ended by material advantages to the arms of Cromwell. In the meantime the Protector had become in fact a King. To the heir of the Capets he was "our dear brother Oliver," and—grateful error* of all usurpers! he had made a House of Lords, out of materials that looked upon his favour as little better than disgrace. In another two centuries another military dictator lamented, at St. Helena, that his honours were unappreciated, and that those on whom he showered them sighed for the Royal family, that they might become "dukes and duchesses indeed." Oliver's buff coat was ill exchanged for the purple, and Hyde wisely and truly assumed that the assumption of Kingly power was the shortest way to disgust an army, many of whom were themselves as well qualified for rule as he, and all of whom were excluded from hope by the dictator being accorded the right of choosing a successor. Still Hyde was unwilling to venture an expedition to England. He doubted the truth of the advisers to direct, and he doubted the fitness of the King to lead. In this difficulty he had no mean ally in the Duke of Ormonde.

Cromwell's Spanish War.

*Amabilis insania et mentis gratissimus error.—Hor.

CHAP. IV.

The Duke of Ormonde —his character.

This feudal Prince,* gallant soldier, and subtle statesman, was one of the most wonderful men of a wonderful age. Though unsuccessful against Cromwell in the field, he was able to overreach French and Rinucinni in the Council, and so far to deceive even ecclesiastical diplomatists, as to leave his conduct in Ireland a problem to the Popedom and a puzzle to Europe—to make a great struggle for Charles without compromising him, and to obtain a character for liberality, without giving anything away,—in a time of the destruction of the fortunes of his party, to build up his own,†—to have his name and politics boasted by Protestant High Churchmen, and his life and virtues written by a Popish Priest. Ormonde was something more than Hyde, at such a crisis. He was a man of action and of adventure. He had worn mail when Hyde was arrayed in wig and gown, and *cedunt arma togæ*, was not the motto of the time. Accordingly accompanied by the gallant soldier of fortune, O'Neil, he embarked for England, when Cromwell was keeping that unwearied watch that is the fate of usurpation. Fully therefore indeed was Ormonde justified in speaking thus freely, of the character of a king for whom he ventured so much. In 1658, he writes to Clarendon his opinion of Charles, "I must now freely confess to you that what you have written of the King's unreasonable impatience at his stay at Bruges, is a greater damp to my hopes of his recovery, than the strength of his enemies, or the weakness and backwardness of those that profess him friendship. Modesty, courage, and many accidents, may overcome those enemies, and unite and fix these friends; but I fear his immoderate delight in empty, and effeminate, and vulgar conversation, is become an irresistible part of his nature, and will never suffer him to animate his own designs, and other's actions, with that spirit which is requisite for his quality, and much more for his fortune."‡ Ormonde's visit to England confirmed the belief of the total absurdity of the rumours that had been sent from thence, and justified Hyde's statement to Mordaunt, that the

His opinion of the King.

* Count Palatine of Tipperary was one of the titles of the House of Ormonde.

† The "The Sale and Settlement of Ireland, by Nicholas French, D.D. Bishop of Ferns."

‡ Clarendon State Papers.

party who talked so much of action had formed no particular design.

Hyde made Lord Chancellor.

Hyde had been made Lord Chancellor, fully believing that the Restoration would at some time come, or else taken with the small ambition which a circumscribed sphere of action must necessarily produce. His office still, however, was that of Chancellor of an empty Exchequer,—an office, paradoxically enough, precisely the opposite of a sinecure.

An event, however, had happened in England, which confounded all schemes, and put plotters out of countenance. On the 3rd of September, 1658, Presbyterians, Independents, Levellers, and Royalists, awoke as from a nightmare. Charles need no longer beg in person for alms at the Court of Spain, and Hyde might freely declare his hatred of assassination. The Court of France need no longer bend to timorous selfishness, and Spain was delivered from the need of more hypocrisy. That iron will and wily spirit that had destroyed Monarchy, Aristocracy, Democracy, and Liberty, at length, only to destroy themselves, that had made their possessors name a word of fear, wherever the English tongue was spoken, or the English standard seen—were terrible no more. Oliver Cromwell was dead. Had the great Protector had the fortune of Macbeth, and had his sceptre been "wrenched by an unlineal hand," had the wish of the troops at Edinburgh been fulfilled that the Protectorate had been given to "old George Monk," instead of "young Dick Cromwell," the result would have been disastrous to the House of Stuart! But Richard's government was a foil even to that which was to follow. Getting the supreme place in the midst of such a calm that it even damped the hopes of the adherents of King Charles, he was totally unable to keep it. His Parliament, tardily summoned and strangely constituted, treated Richard as a non-entity, and although little was immediately done, human nature was unable to refrain from denouncing the monstrous and unspeakable cruelty which Oliver had committed upon the English people. The deliberations of Richard's Parliament were, however, cut very short by the intervention of the army, and the domination of the army was finally concluded by the advance of Monk. Great efforts have been made to transfer

Death of Cromwell.

CHAP. IV.

some part of the merit of that mere accident,—the Restoration, to Chancellor Hyde, but in truth he had nothing immediately to do with the matter. Whether Monk, when he started from the north really intended to restore the King, is hardly a problem. He was disgusted with the domineering of Lambert, and the conduct of the pretended Parliament, and probably thought any change would be an improvement. So far from planning the Restoration, Hyde scarcely hoped it, and Monk was himself at first, the creature of those circumstances which he afterwards made subservient to personal pique.

CHAPTER V.

FROM THE RESTORATION, TO THE DISSOLUTION OF THE CONVENTION PARLIAMENT.

Causes of the Restoration. Proposition of Sir Matthew Hale. Reasons of the public joy. Arduous position of Hyde. Constitution of his Ministry. Takes his seat in the Court of Chancery and in the House of Lords. The Convention Parliament. Delusive Proclamation to the Regicides. Advises Clemency to the King. Conduct of the Lords. Humanity of the Earl of Denbigh. Bill of Indemnity. The Revenue. Hyde's constitutional conduct. Abolishes Feudal Tenures. Embarrassments of the King. Disbanding of the Army. Hyde's speech. Settlement of property. Discontents of the Church Party. And of the royalists. Growing unpopularity of Hyde. The settlement of church government. Claims of the Presbyterians. The "healing declaration." The bill rejected. Dissolution of the Convention Parliament.

CHAP. V.

Causes of the Restoration.

THE Restoration, which was brought about by the one great cause, that the people who had groaned under an intolerable tyranny, suddenly found their own strength in the weakness of the successor of Oliver Cromwell advanced by natural stages to its completion. Even young men remembered the contest on a much grander scale between powerless Parliaments and tyrannical troops, that was, in 1659, likely to be again renewed. Monk unsuited for civil power, and, indeed scarcely ever master of his own mind—a man, in truth, who has been drawn by Madame de Stael and Monsieur Guizot with about equal fidelity—had sagacity enough to see that the return of the King would "unloose the Gordian knot of policy." His wavering disposition at length came to a settled point, when Lambert escaped from the Tower, and like all hasty determinations of a long suspense, his decided policy could brook neither condition nor delay. The delirium of any change from a government which had neither respected public rights, nor social comfort—that, with a versatility of

CHAP. V.

tyranny, suppressed to-day a legislature, and to-morrow a maypole—made the nation reckless of asking any conditions when the King was ready to accede to all. One voice, indeed, which had been heard with reverence from the seat of justice, even amid the storms of that monstrous time, when a fanatical democracy, was, for once in history, seen supporting a military rule, was raised against the policy of hurling all liberties lavishly at the feet of the King. The temptation to the crown which that reckless capitulation threw out, might have been saved, and the final catastrophe of the House of Stuart averted, had the sudden enthusiasm of Parliament, not drowned the voice of Hale. The proposal of the great magistrate, that Charles should be bound to keep his father's offers at the treaty of Newport, had little chance of success, when opposed by the Commander of the army under whose guns the deliberation was carried on, and the Parliament of England were labouring under as violent a fit of loyalty to the King, as the "two hundred damsels," who strewed his way with flowers at Blackheath.

Proposition of Sir Matthew Hale.

As Charles's reception had the prudence, it was natural that it should have also the pageantry of romance. Novelists and word painters have often shown us that if the loyalists were small in policy, they were great *spectácle.* It was indeed a dramatic scene for the grave and reflecting Hyde. The peasant felt the lightness of relief from a sombre despotism, and the peer his escape from a pretended democracy. Ambition, science, art, and learning rebounded by the removal of an oppressive weight, and on that bright May-day doubtless many more able men than Evelyn, "stood in the strand, beheld it and blessed God."*

Reasons of the public joy.

It is hard to say whether Hyde's poverty and sufferings in exile were greater than the weight of office at home, that the new state of affairs was likely to impose upon him. He knew something of the *civium ardor* and knew that the applauding crowds around him—once the creations of their own fancy were found unfilled—would he be disposed to blame themselves the last. The sagacious and strong minded

* Evelyn's Memoirs.

CHAP. V.

Ormonde had warned him of the disposition of the King, and the vices of the courtiers that had managed to keep alive amid the frosts of poverty and exile, would, he well knew, burst into boundless luxuriance in the sun of prosperity and a court. Even at this distance of time we may form a pretty accurate notion of the weight of his undertakings, if we are to believe Burnet, that he had "kept a register of all the King's promises and his own; and did all that lay in his power afterwards to get them all to be performed."* Much opposition from various quarters was made to Hyde's being retained in high office about the throne. His Anglicanism was as disagreeable to the Presbyterians, as his Protestantism to the Roman Catholics.† Monk, he seems to have considered his enemy, as the Queen certainly was, and had Charles been reduced to make any strict terms as the condition of his restoration, there is little doubt but that Hyde would have been excluded from the Chancellorship. This office which had been given at Bruges in 1658,‡ was in fact filled by Hyde, not only as the head of the law, but of the ministry, and historians have properly recorded the period from the Restoration to his disgrace, as the Administration of Clarendon. The remainder of the ministry was at first constituted on rather a broad basis; Nicholas was appointed principal Secretary of State; Morill, one of the Secretaries; Ormonde Lord Steward of the Household; Lord Southampton was Lord High Treasurer; the Duke of York, Lord High Admiral; Monk, Lord Lieutenant of Ireland and Commander in Chief, Gentleman of the Bedchamber, and Master of the Horse; the Earl of Manchester,

Arduous position of Hyde.

Constitution of the Ministry.

* Burnet's Own Times. † Clarendon State Papers.

‡ At the court att Bruges, the thirteenth day of January, 1658, st. n.

Present,

His Majestie.
Duke of York.
Lord Lieutenant of Ireland.
Mr. Secretary Nicholas.
Mr. Chancellor of the Exchequer.

"His Majestie declared his resolution to leave his Greate Seale in custody of an officer, and therefore had made choice of Sir Edward Hyde, Chancellor of the Exchequer, to be Lord Chancellor of England, unto whom he forthwith delivered the Grete Seale, and commanded him to be sworn; who took the oath of Supremacy and Allegiance upon his knee, at the Board, and Mr. Secretary Nicholas gave him the oath of Lord Chancellor of England; and then he took his place by his Majestie's command."

CHAP. V.

Lord Chamberlain; Lord Say, Lord Privy Seal; Sir Anthony Ashley Cooper, Chancellor of the Exchequer; Palmer and Finch, Attorney and Solicitor General; and Lord Seymour, Chancellor of the Duchy of Lancaster. The Privy Council included the King's two brothers, the ministers, and all who had been of the Privy Council of the late King before the war. Such a body however, being too numerous for deliberation, it was thought necessary to select from it a Cabinet, which at first consisted of the Lord Chancellor, Ormonde, Southampton, Monk, Nicholas, and Morill.

Takes his seat in the Court of Chancery, and in the House of Lords.

Hyde's influence was indeed paramount in whatever related to the management of any branch of affairs. Ormonde, although he shared with him the King's personal favour, did not so much interfere with public policy. Southampton was apathetic and in ill health, and the mediocrity of Nicholas made him accord to the Chancellor a willing obedience. Immediately upon the Restoration, Hyde had taken his seat in the Court of Chancery, as Lord Chancellor, and in the House of Lords, as Speaker, and in the former capacity delivered "a large speech" in conveying the King's assent to some bills that were passed by the Convention. The first of these was an Act declaring the legality of the Convention itself as a Parliament, though that legality could only be created by election—a species of sophistry in which the House of Commons have frequently indulged, nor has yet quite abandoned. A bill was also passed to continue £70,000 per month which had been voted to Charles on his coming over, and another to continue judicial process and proceedings.

The Convention Parliament.

In the speech which Hyde addressed to Parliament, on the passing of these bills, he declared that the King particularly desired that the Bill of Oblivion, in which they had made such good progress might be expedited; that the people might see and know His Majesty's extraordinary gracious care to ease and free them from their doubts and fears; and that he had not forgotten his gracious declaration made at Breda, that he would "in all points make good the same." The declaration from Breda had promised pardon to all who would sue for it within forty days, "excepting only such persons as should thereafter be excepted

by Parliament." The intention of this priviso was obvious enough; the King had always designed the regicides to death. In his declaration from Jersey, in 1649, from Dunferline in 1650, and in his promise to the agitators in 1657, he had invariably, and in words, excepted them. It was necessary, however, that the Breda declaration should be as liberal as possible, and Charles's advisers did not despair of obtaining from a willing Parliament the exception of any they might be willing to execute. The regicides saw this also, and accordingly took measures to escape, but nineteen were persuaded to surrender by means of an inducement which cannot be defended on any ground of honour, justice, or expediency, and which reflects deeply on the sincerity of Hyde.

Delusive Proclamation to the Regicides.

On the 6th of June, 1660, a proclamation appeared, which, after reciting that certain persons "have lately fled and obscured themselves, whereby they cannot be apprehended and brought to a personal trial for their said treasons according to law," proceeds to command thall all shall surrender within fourteen days "under pain of being *excepted from any pardon or indemnity*, both for their respective lives and estates." Logic, and common sense must equally construe this proclamation to hold out hopes of pardon to such of the regicides as should surrender, and yet Hyde had the effrontery to declare, that neither the Peers nor the King "had any other sense of the proclamation than as a process or summons, under pain of being excepted from any pardon of their lives or estates if they came not in;" such was the sense in which it was interpreted to those who trusting to its ambiguity, came in and surrendered. When the question of the exceptions come before Parliament, the house displayed how readily Charles might, had he pleased, have used its powers to take sanguinary vengeance. Monk, who does not seem to have made any very great exertions in favour of clemency, nevertheless obtained the reduction of the excepted persons to the number of seven; this restriction however was again disregarded, and Charles was compelled to send down a message, begging the passing of the bill, and that the Houses should not exceed the number already

CHAP. V.

named. This merciful course, Hyde claims as his suggestion, and there is no doubt, but that he leant to the side of moderation, but the Revenue was yet unsettled, and we may without much violence presume that the desire of money as much as the dislike of vengeance, produced the importunate compassion of the King, In the message, which was from the pen of Hyde, Charles says, "I do earnestly desire and conjure you to depart from all particular animosities and revenge, or memory of past provocations, and that you will pass this act without other exceptions than of those who were immediately guilty of the murder of my father."* Nor was this advice without good cause, for after the Commons had greatly enlarged their exceptions, the Lords proceeded to except one of each of those who had condemned the Duke of Hamilton, and Lords Holland, Derby, and Capel, and to leave the choice of the individual so excepted to the nearest relative of the deceased peer—a privilege that Lord Denbigh very humanely exercised, as appears from the following relation of the anecdote by Ludlow. "The Lords were inclined to revenge their own order on the persons of some in the High Court of Justice, by whom some of their number had been condemned, and to except one of the judges for every lord they had put to death; the nomination of the person to be excepted being referred to that lord who was most nearly related to the person that had suffered. According to this rule, Colonel Croxton was nominated by the next relation to the Earl of Derby, Major Waring by the kinsman of another, and Colonel Titchburn by a third: the Earl of Denbigh, whose sister had been married to the Duke of Hamilton, being desired by the Lords to nominate one to be excepted, in satisfaction for the death of his brother-in-law, named a person who had been some time dead, of which some of the House being informed, they called upon him to name another; but he said that since it had so fallen out, he desired to be excused from naming any more. This action, although seeming to proceed from chance, was generally esteemed to have been voluntary, the Earl of Denbigh being known to be a generous man and a lover of his country."

Advises clemency to the King.

Conduct of the Lords—Humanity of the Earl of Denbigh.

* Lords' Journals, July 27, 1660.

CHAP. V.

The anxiety of the King hurried on the Bill of Indemnity, which at length got the Royal Assent. It pardoned all political offences committed since the 1st of June, 1637, excepting fifty-one persons who were active in the death of Charles I.; as also Vane and Lambert—the nineteen who surrendered not to be executed without the consent of Parliament. Haselrig and six others were excepted from capital punishment only. Twenty were declared incapable of again holding any office, and all were excepted who since December 5th, 1648, had given sentence of death in any illegal tribunal, or signed a warrant of the execution of any person so condemned.

Bill of Indemnity.

Parliament now applied itself to that question on the settlement of which Hyde well knew the stability of the throne must have its chief dependence—the Revenue. The troubles of the late reign were the direct consequences of this question between Charles and his Parliament, and when we recall that Hyde had seen those troubles in their ominious origin, their stormy progress, and their tragic end, it would be narrow illiberality indeed not to give him the credit of the purest patriotism for withstanding an effort to make Charles II. independent of the legislative body for the means of supporting the splendour of the throne. Those contemporaries who best knew the affairs of government are agreed that this noble service to constitutional liberty was the work of Hyde. Burnet may make the dry admission of an enemy, and Pepys assign the shallow motive of a child, but the fact is undeniable, that in the face of the temptations of present servility in the legislature, and future hostility in the King, Hyde destroyed the only stable support of despotism—pecuniary independence.* Instead of fixing the revenue at £2,000,000, as it was agreed, he might have done, Hyde contented himself

The Revenue.

* "It was believed, that if two millions had been asked he could have carried it. But he had no mind to put the King out of the necessity of having recourse to his Parliament. The King came afterwards to believe that he could have raised with his authority and revenue much higher, but that he had no mind to carry it further, or to trust him much."—*Burnet* I. 271-4 35.

Pepys was told by Sir W. Coventry that Lord Southampton, "when the King did show himself forward for passing the Act of Indemnity did advise the King, that he would hold his hand in doing it till he had got his power restored that had been diminished by the late

CHAP. V.

Hyde's constitutional conduct.

with demanding of Parliament, £1,200,000, but the chief difficulty was not in the naming of the sum, but in the discovery of the ways and means. The Committee appointed for the purpose, found that many of the sources of Charles the First's revenue were either illegal or extinct, and that not more than one half the allotted sum could be raised without additional taxation. To remedy this defect, the Ministers began very judiciously. They proposed to abolish the cumbrous system of Feudal Tenures, the invention of a time when every other consideration gave way to the security of military power, and when expedients for extortion were the only system of finance.

While therefore the landed interest was thus to be relieved from an oppressive and expensive system, it was proposed to distribute over it, by an equitable taxation, a share of the burdens of the state. That interest however, at all times vigilant of its own peculiar safety, (though by its own account, always submitting to sufferings so severe, as to lead to the belief that it is viligant in vain,) managed to throw the burden of the revenue on the general body of the consumers, by reviving the Excise. It is a custom neither of modern date, nor yet fallen quite into desuetude—to relieve the perplexities of a minister, by the imposition of a tax, only tolerable in time of war. Even so early however as November, 1660, there was a powerful body who entertained more just and proper notions of finance, and the vote to throw on the general body of the people the burdens of which the land was relieved, by the abolition of Feudal Tenure, was only carried my a majority of two.* But the revenue was thus not only improperly placed, but was not sufficient for the purpose for which it was intended; neither was the sum proposed realized, nor the portion that was actually received properly applied. No distinction had been made between

Abolishes Feudal Tenures.

times, and his Revenue settled in such a manner as he might depend on himself, without resting upon Parliaments, and then pass it. But my Lord Chancellor, who thought he could have the command of Parliaments for ever, because for the King's sake they were awhile willing to grant all the King desired, did press for its being done; and so it was, and the King from that time was able to do nothing with the Parliament almost."—*Pepys*, IV. 270-7.

* Commons' Journal, November 27; December 21-22.

revenue for public purposes, and a civil list, and Charles's embarrasments soon made him apply to his personal necessities, what was meant for the public. Yet his temptations to such a course were not a few. An inadequate revenue must induce debts, and hopelessness of payment must create extravagance. That the sum was not realized we have the experience of the following three years after the Parliament had voted the supply, and of the condition in which Charles was placed, his speech to the Houses, in November, is a very plain and humble narrative. It was not long before Parliament was again called upon to look into the state of the Revenue and it is remarkable to see that the sagacity of the House, listened to such proposals as the issuing of commissions for voluntary subsidies—a course which the experience of the late King might have been sufficient to condemn. The time however needed some sudden remedy.

Those who attribute all the necessities of the reign to the King's extravagance, and love to declaim on the boundless riches squandered by a profligate court, may read with advantage the speech of Charles to his Parliament—a document not likely to be of no authority—

Embarrassments of the King.

"I must tell you that I am not richer, that is, that I have not so much money in my purse, as when I came to you. The truth is, I have lived principally ever since upon what I brought with me, which was indeed your money; you sent it to me and I thank you for it. The weekly expense of the Navy eats up all you have given me by the Bill of Tonnage and Poundage. Nor have I been able to give my brother one shilling since I came to England, nor to keep any table in my house, but where I eat myself; and that which troubles me most, is to see many of you come to see me at Whitehall, and to think you must go somewhere else to seek a dinner."*

Though the proverb of the Romans is true, that parsimony is a great gain, such parsimony is hardly to be defended. But even inadequate as it was, the revenue was not equal to the amount of the vote as above stated. We learn from Pepys, that in 1664, he was informed by Sir Philip Warwick "that the £1,200,000 which the Parliament with so much

* Lords' Journal, August 29, 1660.

CHAP. V.

ado did first vote to give to the King, and since hath been re-examined by several committees of the present Parliament, yet is above £300,000 short of making up really to the King the £1,200,000, as by particulars he showed me. And in my Lord Treasurer's excellent letter to the King upon the subject, he tells the King how it was the spending more than the revenue, that did give the first occasion of his father's ruin."†

But besides the inadequacy of the revenue for the daily necessities of the crown, there was a burden of debts, some as old as 1647 and 1648, charged upon the Excise; debts on account of the Navy, and debts to all who had advanced money during the troublous times of the late King. Besides these, there were the claims of the Princess Royal, and the Queen of Bohemia, which the committee reported that the King was in honor bound to pay. Such, without prospective charges, was the condition of affairs in the latter part of the first year of the Restoration.

A more puzzling and dangerous project was still behind. The restored monarchy though claiming the inheritance of a line of kings, yet found itself in the condition of a usurpation. The army that had created it was still on foot, while its general who had favoured the Crown had lost his personal influence, and the people beheld with apprehension and dislike a military force which for twenty years had destroyed at intervals the Monarch, the Republic, and the Dictator. Such a situation of affairs needed not the additional embarassment of want of money. The soldiers had been for some time unpaid, and secret associations and private discontents were driving them on to Revolution. The multitudes who are always discontented at every change, reminded them of their power, their services, and their inadequate rewards, and the danger was indeed not little with which Hyde had to deal. He knew that there was but one course that of prompt payment of the arrears, and many promises for the future, and his speech on the adjournment of the Parliament, is an excellent specimen of his caution and his speciousness. "The King" he said "does not take it unkindly at their hands who have thought that His Majesty would not disband this army. It was a sober and a rational jealousy. No other prince in

Disbanding of the Army

Europe would be willing to disband such an army—an army to which victory is entailed and which (humanly speaking) could hardly fail of conquest wherever he should lead it. And if God had not restored His Majesty to that felicity as to be without apprehension of danger at home or from abroad, and without any ambition of taking from his neighbours what they are possessed of—himself would never disband this army—an army whose sobriety and manners, whose courage and success, hath made it famous and terrible all over the world." He concluded his praises with the more important intimation that the disbanded soldiers might be soon recalled. "Both officers and soldiers" he said "after they are disbanded, shall always find such countenance, favour, and reward from His Majesty, that he doubts not but, if he should have occasion to use their service, they will again resort to him, with the same alacrity as if they had never been disbanded." The remnant of this truly wonderful body of men, submitted without murmur to their being dispersed. They had done signal service for little reward, and wielded great power without outrage or sedition. Virtues supposed to be new to the military character, where soldiers form a power in the State, were to be found in them, and Burnet may well record that they were an army superior to any "that had been known in these latter ages."

Clarendon's speech on the disbanding of the Army.

To estimate the ability of Clarendon it is needful to consider the stupendous operations of policy in which he was engaged. The minister of a monarchy restored by military power he had now accomplished the extinction of the army—task enough from which alone to have created fame, but a work still more arduous was before him. In twenty years the property of England had in many districts almost changed hands. The confiscations by the Parliament and by Cromwell—the sales by the Royalists to support the Royal cause—the forfeitures by the executions for treason to the government *de facto*, and the open and unauthorised intrusion into lands almost deserted in the civil wars, had made the proprietorship of great portions of the kingdom pass to other masters. The difficulty of Hyde pacifying the owners of conflicting interests was almost incalculable—the satisfying

Settlement of Property

CHAP. V.

of such impossible. So fully was it believed by some that the Commonwealth would be likely to stand firm, that so much as fifteen years purchase had been given, according to Ludlow, for the lands it had escheated. These were chiefly the property of the Crown, or, of the Church, and on the return of the King, the former were naturally delivered up.

The case of the Royalists who had sold their estates was, however, pitiable, in the extreme. They had been driven to make bargains in the heat of the civil war, and as the fire of loyalty was no match for the coolness of the followers of the Commonwealth, their sacrifices had been proportionately great. If some of them indeed were, as malice has insinuated, led to give easy bargains in the hope that when the King succeeded, they could resume their estates again for a yet easier price—the result did not justify their expectations, and charity should leave their disappointment to be their punishment. Charles in his declaration from Breda had assured his adherents that this great controversy should be determined in Parliament, "which can best provide for the just satisfaction of all men who are concerned." But Parliament could not act of its own motion, and Hyde had adopted an excellent maxim, that "as the making those promises had brought the King home, so the keeping of them must keep him at home."* The restoration of the lands of the crown was first brought before the house, and the King and the Queen-mother were reinstated. But the question of the Church lands was one more difficult to solve. Though the King saw the justice of re-entering on his own property on the ground that it had been confiscated by the Parliament, he did not recognize an equal right in the Church, and Parliament was anxious to deal with the forfeited Ecclesiastical properties as though they had no rightful proprietor. For this purpose a King's letter was issued, doubtless, by the advice of Hyde, to the bishops and chapters not to lease any impropriate tithes till each vicar or curate had been assured of eighty pounds a year. The plan was one of the wisest of many that have been, in every generation proposed for the

Hardships of the Cavaliers—Promises of Charles.

Hyde's wise plan to abolish lay impropriations.

* Burnet's History.

reform of finance in the Church of England. The existence indeed of impropriate tithes, though perhaps not very unnatural in an establishment so purely secular as that to which the Church of England has been reduced, is inconsistent both with religion and good policy. Various remarkable, and some unjustifiable, modes of supporting Churches have been in all ages devised, but the expedient of giving the patrimony of the Church to a squire, or a woman, on the promise of maintaining a vicar, so that he shall not actually starve, is the peculiar property of the English Church establishment.

In November 1660, a commission was issued to arrange for the re-purchase or final confirmation of sale of the Church property, Charles by his letter exhorting the dignitaries to make reasonable bargains with those who had bought in the faith of the Parliament. The clergy have been blamed by several writers as anxious to make too great a market of their power, but it must be recollected that the Crown had thought right to re-enter without purchase at all, and those who look to the value of sees and livings shortly after the Restoration will see that the Cromwellites managed to retain a considerable quantity of the revenues. That there were instances of extortion, Clarendon admits, but the purchasers as a general rule were not in a position to claim much sympathy. Burnet, who considers Church property a fit subject for Parliamentary disposition, charges Clarendon with being "more the Bishops' friend than the Church's" in allowing the fines for the renewal of leases amounting to about £1,500,000 to go into the pockets of the incumbents. But no one can question their legal right, and it was not a time recklessly to take away private rights by Acts of Paliament. The fact of the Church leases having fallen out was matter of accident, and if the fines obtained for their renewal did as Burnet asserts, bring "into the Church a great deal of luxury and high living," it was in no way attributable to the policy of Hyde. In the settlement of private property the Royalists who desired to disturb the sales of their estates were, of course greatly disappointed. The Restoration having been, not a re-conquest but a compromise, could not use

Conduct of the Clergy.

CHAP. V.

the violence to actual contracts which they had hoped, and when they were unable to succeed in their demands they contented themselves with the slender comfort of a sarcasm—"the Act of Indemnity and Oblivion," they said "was an Act of Indemnity to the King's enemies, and of Oblivion of his friends."

Disappointment of the Cavaliers—Their sarcasms.

There remained now the great question of the settlement of the Church Government—a question in which Hyde was to obtain some further unpopularity. Already he had excited much by his inability and unwillingness to disturb the settlement of property. The old cavaliers recalled the fact that he had begun his parliamentary career as a Reformer, and charged him with adhering to his early friends. The churchmen, though his favour of them had excited the opposition of the purchasers of Church lands, believed that he had not yet done sufficient; and now came on the delicate consideration of how the Presbyterians were to be dealt with in the Church. The Presbyterians being themselves a reformed church claiming a full ecclesiastical constitution, and holding that "the laying on of the hands of the Presbytery" was a sufficient ordination were broadly distinguishable from the sects who had sprung up during the Civil Wars. They placed themselves on an equality of antiquity with the Anglican Church, and required from their ministers an equality of learning. Their faith was set forth in the pages of the Reformers of Scotland and Geneva, and preached from the pulpits of Calamy and Baxter. In Scotland they were all powerful, and in Ireland they formed the majority of all the Protestants, while in England they had been inducted into a multitude of livings, under the auspices of Manchester, Essex and other leaders of the civil war. To reconcile the claims of those men with the high pretensions of the Anglican Hierarchy was no easy task. The Presbyterians had taken no part in the murder of the King, or the Usurpation of Cromwell. They had contributed greatly to the Restoration, and now demanded such a compromise as would enable them to retain their livings in the Church, with freedom to their consciences. They were not without grounds for this expectation. The noblemen of their party were high in power.

Case of the Presbyterians—their position and claims.

CHAP. V.

Ten of their ministers were Chaplains to the King, and a Bishopric had been offered to Richard Baxter. In June a deputation of the Presbyterians had waited on the King, who had expressed his favour to a compromise, and asked for their proposals. These they founded upon a scheme of the pious and learned Usher, Archbishop of Armagh, a prelate of boundless learning, especially in Ecclesiastical Antiquities, but of extensive liberality in what he conceived to be the mere form of the government of the Church.

Usher's plan was a mixture of Presbytery and Episcopacy—the Bishops to be assisted by the Synods and Presbyteries. Suffragan Bishops to be appointed and certain ceremonies to be omitted in the Church service. These proposals were submitted by the Presbyterians in a spirit of conciliation and peace, but were received by the Anglican clergy with the utmost arrogance and hostility. They declined to make any alteration in the service, and assigned the usual plea that concession would "encourage unquiet spirits to make further demands." The compromise was not more successful in Parliament. There it was debated on the Bill "for the maintenance of the true Reformed Protestant Religion." The debate was stormy, even to violence. The opposing parties twice blew out the candles, and left the Committee deliberating in the dark. At length, it was agreed to request the King to submit the matter to a Committee of divines. The Committee met at the Lord Chancellor's during the recess of Parliament and Charles II. was in the strange position of deciding a theological argument. It would seem that though the discussion was hot, the Presbyterians were in general triumphant* for the "Healing Declaration" from the pen of Hyde, when it appeared, granted the majority of their demands, and was taken by them to be a final settlement once it should be passed into a law. This confirmation was absolutely necessary, as the declaration contained many things that Parliament alone could do. It is stated upon good authority, that so fully

The Prelates refuse to make any compromise

Stormy debates in Parliament.

* No remarkable fact when we remember that Baxter and Calamy were on one side and such men as Gauden the vulgar and fraudulent claimant of the *Icon Basilike*, on the other.

24069

CHAP. V.

satisfied were the Presbyterians with the terms of the Declaration, that they agreed to accept mitres as soon as it had passed into law. This, however, was destined never to take place. On the 28th November, 1660, a Bill embodying the heads of the Declaration was read a first time, but was lost on the second reading by 183 to 157. The Convention Parliament was shortly afterwards dissolved.

CHAPTER VI.

FROM THE DISSOLUTION OF THE CONVENTION PARLIAMENT, TO THE SALE OF DUNKIRK.

Trial of the Regicides. Trial of Harrison. Trial of Marten. And of Hugh Peters. The Public are weary of Executions. Hostility of the Bishops. Venner's Plot. Marriage of Ann Hyde with the Duke of York. Sir Charles Berkeley's slander. The Marriage avowed. Hyde created Viscount Cornbury and Earl of Clarendon. The Marriage of the King. Clarendon remonstrates against the treatment of the Queen. But assists Charles in pursuing it. The Queen gives way. Clarendon in favour with the Mistress. Letter of Charles II. to Clarendon. Trial of Vane and Lambert. Sale of Dunkirk.

UNJUSTIFIABLE as had been the means by which they had been brought into the power of the law, no man will now deny that the Regicides were worthy of death. The virulence and violence of Milton, as small in controversy as he was great in poetry, failed to convince any Christian nation either that Charles I. had been worthy of death, or, that the "people of England" had been his judges. There is, however, a fascination for some minds about a great iniquity, and writers have not hesitated to talk with pity of the fate of those who conducted the mockery of Charles's trial, and encouraged the brutality which attended his death—writers who would see no great wit in the buffoonery of Cromwell and the runaway Henry Marten at the signing of the warrant, had the subject of their jocularity not been the death of a King. On the dissolution of the Convention Parliament it was determined to try the Regicides.

Trial of the Regicides.

It has been suggested that the trial was delayed till the appointment of a sheriff who could pack a jury for the court, but how any jury could refuse to convict men who avowed the matter, charged, and gloried in it is a problem left unsolved. On the 6th of October the Commissioners

CHAP. VI.

appointed to try the Regicides took their seats at the Old Bailey. They were Sir Thomas Alleyn, the Dukes of Somerset and Albermarle, Lord Mayor Elect of London, the Lord Chancellor Hyde, the Marquis of Ormonde, the Earls of Lindsay, Manchester, Dorset, Berkshire and Sandwich, Viscount Say and Sele, Lords Roberts and Finch, Sir Frederick Cornwallis, Sir Charles Berkeley, Mr. Denzil Hollis, Mr. Secretary Nicholas, Mr. Secretary Morris, Sir A. A. Cooper,* The Lord Chief Baron, Judges Foster, Mallett, Hyde, Twisden, Tyrrell, Barons Atkins and Turner, Sir Harbottle Grimston, Sir William Wild, Recorder of London, Mr. Serjeant Hale and Mr. John Howell. The counsel who appeared for the Crown, were the Attorney General, (Palmer) the Solicitor General, (Finch) Sir Edward Turner, Attorney General to the Duke of York, Mr. Sergeant Keiling and Mr. Wadham Windham, Barrister.

On the 9th the following persons were arraigned for high treason in being concerned in the murder of the late King:—Waller, Harrison, Carew, Cooke, Peters, Scott, Gregory, Clement, Scroop, Jones, Hackes, Axtell, Heveringham, Henry Marten, Millington, Tichborne, Roe, Kilburn, Harvey, Pennington, Smith, Downes, Potter, Garland, Fleetwood; Mayne, P. Temple, J. Temple, Waite and Hewlett.

Trial of Harrison.

Waller pleaded guilty, and had his life allowed, but Harrison who passes with his admirers at best, but as a man dangerously insane, broke out into a rhapsodical assertion of Divine guidance, in which after declaring that what he did was directly approved by Heaven, he rather inconsistently wound up by the more worldly course of objecting to the jurisdiction.† The avouching of the Divinity was considered

* Dalyrymple, remarks on this appointment—"The most cruel circumstances in the trial of these persons was, that several of the popular party, of whom Ashley Cooper was one, sate as their judges and doomed them to die for that rebellion to which they had incited them"

† "My lords, the matter that hath been offered to you was not a thing done in a corner. I believe the sound of it hath been in most nations. I believe the hearts of some have felt the terrors of that presence of God that was with his servants in those days, and are still witnesses that the thing was not done in a corner. I do profess that I would not offer, of myself, the least injury to the poorest man or woman that goeth upon the earth. But in the late King's death I was led by Heaven. I followed not mine own simple judgment. I did what I did as out of conscience to the Lord! And when I found that Cromwell, that

blasphemy, and the plea to the jurisdiction was overruled, and Harrison suffered at Charing cross some time after, assuring the mob that he would shortly return to assist in the general judgment. These ravings of insanity may seem unworthy to be recorded and even improper to repeat, but the admiration of Cromwellism has been carried so far, that we are even gravely assured that Harrison was perfectly sincere and honest, and believed that he had the authority of God to commit murder.

Trial of Marten.

The next remarkable trial was that of Marten,* the only one perhaps of the adherents of Cromwell, open to the charge of abject cowardice. His base flight at Reading, and his submission to personal chastisement from Lord Northumberland, with indeed the whole tenor of his life, must lead to the belief that he had some assurance of the mercy which was at length accorded him, when he exhibited such flippancy upon his trial. Marten with much buffoonery declared that he admitted the fact, but denied the malice. He did not deny at the time, however, what his apologists have since denied on his behalf, the truth of the following evidence of a witness against him—"My lord, I did see a pen in Mr. Cromwell's hand, and he marked Mr. Marten in the face with it, and Mr. Marten did the like to him; but I did not see any one set his hand, though I did see parchment there with a great many seals on it." Those who now deny the

those who were as the apple of mine eye, were turning aside, I did loathe them, and suffered imprisonment divers years rather than turn, as so many did that had put their hands to this plough. I chose rather to be separated from wife and family than to have compliance with them, or with *him*, though it was said to me, 'Sit thou on my right hand!' May be I have been in some things a little mistaken, but I did it all according to the best of my understanding, desiring to make the revealed will of God in his Holy Scriptures my sole guide. *I humbly conceive that what was done was done in the name of the Parliament of England, that what was done was done by their power and authority;* and that it is my duty to suggest unto you in the beginning, that *neither this Court nor any court below the High Court of Parliament hath a jurisdiction of their actions.*—TRIAL OF THE REGICIDES.

* M. Guizot properly describes Marten, as "a morose and snarling demagogue, who basely fled at the approach of a few squadrons," and as "a man only noted as having fled from Reading at the mere approach of the Royal troops." He was used by Cromwell for the most base and infamous of all services to which it is possible to put a scoundrel—the breaking open of private letters. We are, however, requested to believe that he was exceedingly witty—as he objected at his trial that his name was mis-spelt, and made that byeplay with Cromwell at the signing of the King's Death Warrant.

CHAP. VI.

truth of this evidence ought to look to the answer of Marten, when the Crown counsel in his statement undertook to produce it. Instead of saying it was not true, the prisoner replied, "Then surely that does not imply malice!"

And of Hugh Peters.

Hugh Peters, the preacher of the Cromwellites made but a general denial and an asseveration of his attachment to religion, learning and the support of the poor. He could not deny, however, the influencing of the soldiers to cry for "justice"—the desecrating of Holy Scripture, to find texts to preach against the King, and the calling of the King "Barrabbas." The condemnation of Axtell and Hacker cannot be defended. The law of arms doubtless required their attendance as military men on the execution, and though they were not guiltless, their pardon would have been more graceful than that of Marten.

The public are weary of Executions.

The people of England cannot long, however great the crimes of the victims—witness bloodshed, and the executions of the regicides, began to be unpopular. We are told by Burnet in his History of his own time that "Though the regicides were at that time odious beyond all expression, and the trials and executions of the first that suffered were run to by vast crowds, and all people seemed pleased with the sight, yet the odiousness of the crime grew at last to be so much flattened by the frequent executions, and by most of those who suffered dying with much firmness and show of piety, justifying all they had done, not without a seeming joy for their suffering on that account, that the King was advised not to proceed farther; or, at least, not to have the scene so near the Court as Charing cross."

From this time the executions of the regicides ceased, but the Convention Parliament having attainted Cromwell, Ireton and Bradshaw—their coffins were exhumed, and according to the custom in treason exposed to the gibbet at Tyburn,—an exhibition of vengeance, foolish, no doubt, and futile, and which excites the great condemnation even of such historians as can see nothing wrong in the post—revolution severities, or the ghastly heads of the Scottish lords on Temple Bar.

The resumption of their power by the Bishops was accomplished with an amount of parade far from prudent at a time

when the Independents felt themselves defeated, and the Presbyterians believed themselves betrayed. The electors began to return to the new Parliament, notorious dissenters, and the mob to receive the Bishops with coolness and aversion.* One portion of the most violent of the Republicans, under the command of one Venner, a wine cooper, broke out into open insurrection. Declaring that they were invulnerable, and that the Redeemer was coming to reign visibly on earth, about fifty fanatics forced their way into the city, created the utmost confusion, and were not finally quelled but by the use of considerable military force.

Hostility to the Bishops —Venner's Plot.

In the private life of Clarendon, an incident of great importance had before this time taken place—the marriage of his daughter with the Duke of York. It was of a character severely to try the strength of principle in any man not devoid of ambition, and it formed an ordeal which the Chancellor failed to go honorably through. Whatever may be the falsehood of the charges that he had plotted this alliance, (and they do not seem to have been borne out by reasonable evidence,) his conduct on the discovery of the marriage excites no feeling but disgust. He assumed to act the character of Brutus—always a character sufficiently revolting, but in his case, without any adequate provocation.† He offered "with his own hand to draw a bill to commit the woman to the Tower," and wished she had rather been the Duke's mistress than his wife, in terms that still more exaggerated the brutal suggestion. Clarendon in fact, like many people in the world, would have made a ridiculous parade of sentiment take the place of natural feeling, and like all those who think that false professions of religion and loyalty, are an equivalent for the want of affection, and the

Marriage of Ann Hyde with the Duke of York.

* Saw the Bishops all in their habits in Henry VII.'s chapel; but Lord! at their going out how people did most of them look on them as strange creatures, and few with any kind of love or respect."—*Pepys' Diary.*

† He was prepared he said, to give a judgement "that the King should immediately cause the *woman* to be sent to the Tower, and to be cast into a dungeon, under a strict guard that no person living should be permitted to come to her, and then, that an Act of Parliament should be immediately passed for the cutting off her head, to which he would not only give his consent, but would willingly be the first man to propose it.—*Continuation of the Life of Clarendon.*

CHAP. VI.

despising of parental duties,—he made himself infamous for his pains.

Sir Charles Berkeley's scandal.

Sir Charles Berkeley assuming that the Duke of York desired to break his engagement to Ann Hyde, undertook in the most base of all possible modes, to vilify her previous character. If his statement was true, the worst epithets alone could characterise his crime; but being untrue, it defies the resources of all languages. He was disbelieved, and the marriage publicly announced: the slanderer, strange to say, was forgiven by the lady—in that easy spirit which guided the Court of the Restoration.* Much indignation however amongst the nobility was the result of the marriage, and it was confidently prophesied that the Queen-mother, the Princess Royal, and principally the Princess of Orange, in whose household she had been, would never consent to receive her as an equal, much less to give place to her if she came to the throne.

The public talk had erected the act into one of the most flagrant instances of the Chancellor's ambition. It was recollected in all the troubles that were approaching, and he was accused even of having altered the course of nature, that his daughter's children should succeed. Pepys, who is the mirror of the gossips of the time, shows us that the impropriety of the Duke's match had become proverbial;—he notes in his Diary,

"To my lady's, and dined with her; she told me how dangerously ill the Princess Royal is, and that this morning she was said to be dead. But she hears that she has married herself to young Jermyn, which is worse than the Duke of York's marrying the Chancellor's daughter, which is now publicly owned."†

The indignation of the Queen, however, was not of long standing. Clarendon had the chief power in the nation, and her Majesty was deeply in debt, and not in good odour with the people. He undertook, it was said, to have her debts paid in return for civility to his daughter, and accordingly the quaint chronicler, as quoted above, a little after, says—

* Clarendon's Life.—Lister's Life of Clarendon.

† Pepys' Diary.

"Mr. Moore and I went to Mr. Pierce's; in our way seeing the Duke of York bring his lady to day to wait upon the Queen, the first time that ever she did since that business, and the Queen is said to receive her now with much respect and love.*

The marriage avowed.

Of the Chancellor's care to have the circumstances of the marriage recorded and verified, we find a little more from Pepys—

"Mr. Hartlib told me how my Lord Chancellor had lately got the Duke of York and Duchess and her woman, my Lord Ossory and a Doctor, to make oath before most of the Judges of the Kingdom, concerning all the circumstances of their marriage. And in fine, it is confessed that they were not fully married till about a month or two before she was brought to bed: but that they were contracted long before, and time enough for the child to be legitimate. I do not hear that it was put to the judges to determine whether it was so or no.†

Hyde created Viscount Cornbury and Earl of Clarendon.

Clarendon whose personal importance was now become so much greater by this alliance, was pressed by his son-in-law, the Duke of York, to accept a title, and for some time refused, but he was finally by the same influence induced to take successively the titles of Baron Hyde, Viscount Cornbury and Earl of Clarendon. About this time he declined to accept the nominal office of Prime Minister, which it was contemplated by the Council to create. He also refused a grant of Crown lands though by a strange destinction he accepted from Charles £10,000 in money.

The marriage of the King.

In the melancholy history of Katharine of Braganza, the Chancellor was doomed to tarnish still more his character as "straight-forward Clarendon." In the history of royal marriages—seldom as it is a record of happiness or peace—the marriage of Katharine to Charles II. is one of the most piteous stories. It was necessary that the King should marry, for the double purpose of getting a vote of money from the Parliament, and a dowry with his wife. Most of the Royal families of Europe were ready to accept the alliance, little as

* Pepys' Diary. † Ibid.

CHAP. VI.

it promised for domestic happiness, from the King's character, or political stability, from the state of the nation. Portugal was the country whose offer was selected. There were great objections, diplomatically speaking, to the match. Spain disliked and would oppose it, and the lady was a Roman Catholic—a religion against which Charles was compelled to act hostility—the old Puritan leaven being as yet too strong in England. On the other hand there was a counterbalancing attraction in the match. Portugal offered Bombay, Tangier, and what was of more importance in the eyes of the King, half a million of money.

Accordingly the treaty of marriage was concluded, and the Earl of Sandwich despatched to take Tangier, and bring over the bride. The arrival of Katharine was the commencement of a series of persecutions on the part of her husband, of which the history of profligacy furnishes few examples. At first there seemed some likelihood that Charles might act with a show of decency;* but a little time dispelled that delusion. The insolence of the mistress encouraged by the shameless vice of the King knew no bounds. Charles himself brought Lady Castlemaine to Hampton Court, and presented her to the Queen, and made his regard for her even more notorious than before. Clarendon whose regard for outward decency and general dignity of demeanour was outraged by the proceedings, remonstrated, as he tells us, strongly with the King, who, "heard him with patience enough, yet with those little interruptions which were natural to him, especially to that part where he had levelled the mistresses of kings and princes with other lewd women, at which he expressed some indignation, being an argument often debated before him by those who would have them looked upon above any other men's wives."† The remonstrance, however, was in vain. Charles directed his Chancellor "*to use all those arguments to the Queen which were necessary to induce her to a full compliance*

Clarendon remonstrates against the treatment of the Queen

* The Queene is brought a few days since to Hampton Court; and all people say of her to be a very fine and handsome lady, and very discreet; and that the King is pleased enough with her. which, I fear, will put Madame Castlemaine's nose out of joynt.—*Pepys' Diary*, I 363.

† Clarendon's Life.

with what the King desired, and to his eternal disgrace Clarendon undertook to execute the odious commission. Charles's desire was that his mistress should be made one of the ladies of his wife's bed-chamber, and Clarendon was to accomplish threats to the Queen, though he himself describes it as "a command, the hard-heartedness and cruelty of which flesh and blood could not comply with."

But assists Charles in pursuing it.

It is hard to read without indignation, the Chancellor's history of this transaction. The unfortunate Queen complained bitterly of her treatment, and threatened to go to Portugal. To this the venerable negociator replied, that she was not her own mistress, and taunted her "not to speak any more of Portugal, where there were enough that would wish her to be." The Queen still held out, and Charles deciding to negociate no longer, resorted to open violence. "He persevered," as Clarendon writes, "in all his resolutions without any remorse,—directed a day for all the Portugueses to be embarked without assigning any considerable thing of bounty to any of them, or vouchsafing to write any letter to the king or queen of Portugal of the cause of the dismission of them. And this rigour prevailed upon the great heart of the Queen, who had not received any money to enable her to be liberal to any of those who had attended her out of their own country, and promised themselves places of great advantage in her family; and she earnestly desired the King that she might retain some few of those who were known to her, and of most use, that she might not be wholly left in the hands of strangers; and employed others to make the same suit to the King on her behalf. Whereupon the Countess of Penalva, who had been bred with her from a child, and who, by the infirmity of her eyes and other indisposition of health, scarce stirred out of her chamber, was permitted to remain in the court; and some few inferior servants in her kitchen and in the lowest offices, besides those who were necessary to her devotions, were left here. All the rest were transported to Portugal."*

Charles dismisses the attendants of the Queen.

Again, he proceeds,

* Clarendon's Life, by Himself.

CHAP. VI.

"In all this time, the king pursued his point: the lady came to the Court,—was lodged there,—was every day in the Queen's presence,—and the King in continual conference with her, whilst the Queen sat untaken notice of; and if Her Majesty rose at the indignity and retired into her chamber, it may be one or two attended her; but all the company remained in the room she left, and too often said those things aloud which nobody ought to have whispered."*

The Monarch and his Chancellor succeeded at last in their respectable undertaking. The spirit of the Queen was broken and she was forced to submit without remonstrance to the greatest indignities, and even to pay attention to the person who chiefly injured her peace.

The Queen gives way.

"All these mortifications were too heavy to be borne; so that at last, when it was least expected or suspected, the Queen on a sudden let herself fall first to conversation and then to familiarity, and, even in the same instant, to a confidence with the lady; was merry with her in public, talked kindly of her, and, in private, used nobody more friendly."†

The unfortunate Queen obtained no advantage from her surrender of self-respect. She was the object of the indifference, and even the gibes of the Court, and Charles gloried in his victory over her, as though it had been something of which to be proud.

Clarendon in the meantime resolved to put his services in the matter to account by conciliating the favour of the mistress, an effort in which he was doomed not to succeed. The power of the mistress had been so greatly strengthened by the humiliation of the Queen, that her political influence was sought to counteract the growing power of Buckingham and Bennett, which already seemed to threaten the Chancellor's overthrow. Pepys tells us in his Diary, "Povey tells me that Sir W. Coventry was with the King alone, an hour this day: and that my Lady Castlemaine is now in a higher command over the King than ever—not as a mistress, for she scorns him, but as a tyrant to command him: and says, that the Duchesse of York and the Duke of York are mighty

Clarendon in favour with the Mistress.

* Clarendon's Life, by Himself. † Ibid.

great with her, which is a great interest with my Lord Chancellor's family; and that they do agree to hinder all they can, the proceedings of the Duke of Buckingham and Arlington: and so we are in the old mad condition, or rather worse than any, no man knowing what the French intend to do the next summer."*

The Duchess of York had now indeed been received into full favour†, and the family interests of Clarendon seemed high in the ascendant.

Trial of Sir Harry Vane

In the meantime the vengeance of the Government demanded a victim whose crime—at most constructive—was supposed to have been forgotten. Sir Harry Vane was a strange enthusiast—a founder of a sect in religion, and an optimist in politics. He was fond of quoting a maxim which contains the essence of latitudinarianism at all times. "The province of the magistrate is this world and man's body—not his conscience and the concerns of eternity."‡ He had been active in the Long Parliament, and this contrary to all sound law was construed into high treason, because Charles II. was King *de jure*. It was in vain that the prisoner protested against the iniquity of the proceedings, and a vouched principles of law of which no doubt has at any time existed. He was condemned. Charles who does not generally seem to have leaned to the side of cruelty, was very anxious for the death of Vane. He wrote from Windsor to Clarendon, on the day after the trial—"The relation that hath been made to me of Sir Harry Vane's carriage yesterday in the Hall is the occasion of this letter; which, if I am rightly informed, was so insolent as to justify all he had done, acknowledging no supreme power in England but a Parliament, and many things

Letter of Charles II. to Clarendon.

* Pepys' Diary.

† So back to the Cockpit: and there by the favour of one Mr. Bowman, he and I got in, and there saw the King and the Duke of York and his Duchesse, (which is a plaine woman and like her mother, my Lady Chancellor.—*Pepys' Diary.*

‡ For this he was complimented by Milton—

"——— To know
Both spiritual power and civil; what each means—
What severs each; thou hast learned which few have done:
The bounds of either sword to thee we owe:
Therefore on thy fine hand religion leans
In peace, and reckons thee her eldest son."

CHAP. VI.

to that purpose. You have had a true account of all; and, if he has given new occasion to be hanged, *certainly he is too dangerous a man to let live, if we can honestly put him out of the way.* Think of this, and give me some account of it to-morrow; till when, I have no more to say to you."

Vane was accordingly executed with circumstances of great cruelty and vindictiveness on the part of the executive, all the contemporary accounts being full of particulars of the conduct of the Sheriffs.*

There were several causes of the enmity with which Vane had been pursued. He had been a very bold man in leading the Parliamentary party in the late troubles, and had shown in the prosecution of Strafford, a desire of blood which was not equalled by the circumstances of his own condemnation.

Lambert pardoned.

Lambert, was pardoned, partly from some belief that Charles entertained that his safety had been peculiarly guaranteed, and partly because he had borne himself with great humility on his trial, and was in so far a contrast to Vane. He was confined as a prisoner in the Island of Guernsey, where, by a transition by no means uncommon in religious enthusiasts, he died a Roman Catholic.

If the Queen's treatment was a melancholy instance of Clarendon's unprincipled yielding to his master's vices, the sale of Dunkirk, was an instance both melancholy, and mischievous of his pandering to his master's wants. Dunkirk had been a conquest, "the spoil" as Oliver said himself, "of his bow and of his spear." The achievements of the reign of Elizabeth and the first James, seemed to the public

† About eleven o'clock having a room got ready for us, we all went out to the Tower-hill: and there over against the scaffold, made on purpose this day, saw Sir Henry Vane brought. A very great press of people. He made a long speech, many times interrupted by the Sheriffs and others there; and they would have taken his paper out of his hand, but he would not let it go. But they caused all the books of those that writ after him to be given to the Sheriffs; and the trumpets were brought under the scaffold that he might not be heard. Then he prayed, and so fitted himself, and received the blow; but the scaffold was so crowded that we could not see it done. But Breman who had been upon the scaffold, told us, that first he began to speak of the irregular proceeding against him, that it was against Magna Charta, desired to have his exceptions against the indictment allowed: and that there he was stopped by the Sheriffs. Then he drew out his paper of notes, and began to tell them first his life: that he was born a gentleman: he had been till he was seventeen years old, a good fellow, but then it pleased God to lay a foundation of grace in his heart by which he was persuaded, against his worldly interest to leave all preferments and go abroad, where

mind more romantic than useful. Conquests in the Indies, or on the Spanish main, had about them the splendours of improbability. No national advantage had been derived from them, and little national honour; for the seamen of the Commonwealth, who sailed with the undaunted Blake, reckoned as little better than buccaneers, those

Value of Dunkirk.

> "Adventurous hearts who bartered bold,
> Their British steel for Spanish gold."

Dunkirk, however, was not out of sight of the fishermen of the channel. It stood a perpetual memorial of the days when Cromwell had shivered the northern power of the Spanish monarchy, and told the Popedom, that he would ask freedom for the consciences of Protestants, by the lips of his cannon, before the castle of St. Angelo. All Europe was bidding for the purchase of this prize and its intrinsic value, was nothing in comparison to its great *prestige*.

This Clarendon himself admitted, and took the trouble to explain. He thus summarily exhibited its advantages to the Lords.

"Whoever unskilfully murmurs at the expense of Dunkirk, and the other new acquisitions, which ought to be looked upon as jewels of an immense magnitude in the royal diadem, does not enough remember what we have lost by Dunkirk, and shall always do, if it were in an enemy's hands."* Charles wanted money, and this "jewel of his diadem," as Clarendon termed it, would fetch a tempting price, it was

he might serve God with more freedom. Then he was called home; and made a member of the Long Parliament: where he never did to this day, anything against his conscience, but all for the glory of God. Here, he would have given them an account of the proceedings of the Long Parliament, but they so often interrupted him, that at last he was forced to give over; and so fell into prayer for England in general, then for the churches in England, and then for the City of London: and so fitted himself for the block, and received the blow. He had a blister, or issue, upon his neck, which he desired them not to hurt. he changed not his colour or speech to the last, but died justifying himself and the cause he had stood for: and spoke very confidently of his being presently at the right hand of Christ: and in all things appeared the most resolved man that ever died in that manner, and showed more of heate than cowardice, but yet with all humility and gravity. One asked why he did not pray for the King. He answered, "You shall see I can pray for the King; I pray God bless him!" The King had given his body to his friends: and therefore, told them that he hoped they would be civil to his body when dead, and desired they would let him die like a gentleman and a Christian, and not crouded and pressed as he was.—*Pepys' Diary.*

* Lords' Journals.

CHAP. VI.

determined therefore to sell Dunkirk. With whom this profligate suggestion originated, is difficult to decide, and not of much importance. Biographers have shewn a laudable anxiety to remove it from the door of their heroes, and whether, as is most probable, it was the produce of the fertile brain of the unscrupulous Ashley, or the suggestion of Clarendon himself, it is clear that the Chancellor threw himself into the disgraceful negociation with an anxiety and ability miserably misplaced. He writes to D'Estrades.

"Sir,—Frequently reflecting upon some particular circumstances in the conferences which we have had together, and finding in the King, my master, a disposition to afford every kind of proof of his desire to strengthen the tie of friendship with his very Christian Majesty. I have caused Mr. Bellings, whom you know to be in my confidence, to undertake this voyage, in order that he may communicate my sentiments to you. I pray you to have faith in him, and to be believe that I very truly am, Sir, &c. &c."*

Negociation with D'Estrades.

Passing over the unimportant question of who was the originator of the plan of selling Dunkirk, it is difficult, even at this distance of time, to read the chicanery and management used by Clarendon, with D'Estrades without some little indignation. No auctioneer participating in the profits of a sale, could more adroitly have brought forward his wares than Clarendon is here represented as doing;—"He repeated to me again that necessity alone was compelling the King his master in this affair of Dunkerque. That, from the first he had no fear in reposing this confidence in me to be a friend to the King of England; as well as minister to a mighty prince his ally, for either of which reasons he had no distrust of me, in which ever capacity I liked he would avow to me. That he had permission to choose one of four expedients in this matter. First to treat with Spain, who was now offer-

* This Bellings was a very useful person apparently, in many matters. D'Estrades writes in his favour to his master. He says, "I ought to bring before your Majesty that Mr. Bellings has had a great part in the whole conduct of this negociation. Perhaps you will think he deserves some mark of your satisfaction, if so, and your Majesty shall see fit to charge my courier with it, I will give it to him before he leaves here, and also before he sets out for Rome, where he is going to solicit for Lord Aubigny, a Cardinal's hat, and to present the *obeissance* of the Queen of England.—*D'Estrades' Letters.*

ing very largely for the place. Second, to treat with Holland who would give immense sums for it. Third, to place it under the control of Parliament, which, while charged with all expenses attending it, would leave to the King the same authority that he holds at present. The fourth, to come to terms with your Majesty for it, and this last seemed to him the most just, and at the same time, the most agreeable to the interests of the King his master."*

Those only who remembered how tremendous a blow the taking of Dunkirk by Oliver, had been to the great power which Spain had usurped, could appreciate the baseness that not only sold the town, but hawked it in this style to find a purchaser. The pretence of the charges of Dunkirk, was amusing indeed, from the mouthpiece of a court unexampled for the lavish squandering of money upon the most unworthy objects. It was clear enough that the talk of relieving the King of the expenses of keeping up the fortification and garrison, was only adopted for mystification of the French ambassador. Clarendon neither desired nor dared to mention the alternative to Parliament. Yet D'Estrades tells us that this was the plan, "to offer an expedient which would retain the place, and relieve the King from the burden of supporting it." This was to proclaim it under the authority of Parliament, of which it had hitherto been independent: because while the King would remain master of it, Parliament would be charged with its expenses. If it should so happen that they found themselves compelled to adopt this expedient; there would then be no way of carrying out such a treaty as the one proposed, to conclude which there was only the interval between the prorogation and the meeting of Parliament.† This representation was like the popular account of a lady's letter. The postcript contained the pith. Clarendon was not only skilled in praising his goods, but he was master of the art of showing why the money ought to be ready soon. Like other salesmen, he wished D'Estrades to understand that the French King was a favoured purchaser—that in fact, Dunkirk would not be given so cheaply to any other man,

Chicanery of Clarendon.

* Letters of D'Estrades. † D'Estrades' Letters.

CHAP. VI.

but that at the same time the money must be forthcoming at once; otherwise the Spaniards, whose pride was wounded by its loss, or the Dutch whose riches were supposed to be almost inexhaustible, would come forward and prevent Charles from giving this instance of his regard for his brother of France.

If both these contingencies could be avoided, there was still the worse horror of facing an angry Parliament. Parliaments, were not now assemblies called for the advantage of the state—but bugbears useful to obtain money from France. It is curious to pursue the history of this sale, and to reflect that serious efforts have been made to disconnect Clarendon with the guilt of the proceedings.* D'Estrades not unskilled in the science of a political pedlar, got cold as Clarendon heated with the excitement of the negociation. The Chancellor proceeded to assure him that his own opinion would have been, that the King of France ought to have had Dunkirk without conditions, Charles depending on his generosity. Not being "master," however, he was unable to carry out his generous design. "That his opinion had been to make a present of it to your majesty, and for the recompense to let that depend upon your liberality. But as he was not master, and as he held too remarkable a position to meddle in so delicate a business as this, he was obliged to hide his opinions, and to seem to adhere to those of others in order that he should not be considered the principal director of the treaty.† Still the purchaser held off and when the parade of intended liberality ceased to be of any further value, the more business-like inducement of the value of the place past and prospective was exhibited to the purchaser. Louis was in the middle of his aggrandisement. The great Spanish monarchy was sinking before him, and Providence had not yet brought about the moment when the Prince of Orange was to bid him stand. The heat of conquest and the hope

His praises of Dunkirk to the French King.

* Clarendon did not seem anxious to make the representation of his innocence, which some of his biographers now set up. D'Estrades writes to Louis—"In all this the Chancellor added, that the idea of this treaty *originated with himself*—nor could he disguise from me that the state of affairs in England had caused it, but that with the two exceptions of the King and the Duke of York, he was alone in that opinion.—*Letters of D'Estrades.*

† Letters of D'Estrade.

of advantage both caused him to turn towards Flanders and the Low Countries, and in this view Clarendon now began to praise what he had got to sell.

"He particularly impressed upon me to consider the importance of this place, from its situation and its harbour, both of which having acquired for it its high reputation in former times. And he exaggerated the advantages which your Majesty would be able to draw from these facts if it should ever be your intention to push your conquests into Flanders."* Louis and D'Estrades were, however, almost as good in a purchase as Clarendon was skilled in a sale. While the French King anxiously desired the possession of Dunkirk, he instructed D'Estrades to hold off in his bargain. How anxious he was to obtain the place appears plainly from his own private letters to his agent. He writes to D'Estrades, that he would rather that Dunkirk were in any other hands whatever, than those of the English.

"For many reasons useless to mention it would be more to my interest that the said place should fall into the hands of the Spaniards, or Dutch; or be destroyed than remain as it is at present."† Clarendon, had now narrowed the negociation to the mere question of price, Spain was out of the question.

He informed D'Estrades, as he writes to the King. "That he did not wish me to think any thing of the offers made by Spain for it (Dunkerque) because the King his master had totally rejected them from his earnest desire to be closely allied to your Majesty.‡

Clarendon had now to meet the Council, and though his conduct there was calculated to throw upon the King the responsibility of the sale, it was fully believed that he was the author of the business. D'Estrades informs Louis that the Chancellor had been made the victim both by the English and the Dutch and Spanish factions.

Falls into great unpopularity.

"I must not avoid stating," he says, "that the Chancellor is he who has suffered most during the disputes that have

* *Letters of the Count D'Estrades.*

† *Lettre du Roi a Monsieur le Comte d'Estrades, 27 Aout* 1662.

‡ Letters of D'Estrades.

CHAP. VI.

arisen in the Council upon this affair. The three Commissioners who had been appointed to adjust and manage the treaty were those who worked the hardest to break the negociation, and it is said that reasons for that purpose of so strong a kind had been alleged, that the King and the Duke of York would have yielded, if the Chancellor had not taken care to make them keep their first resolutions. That he he did so was evident to the whole court, and for that cause I took occasion to look to him as the sole author of the treaty."

Ashley opposes the sale of Dunkirk.

Ashley was one of the most strenuous opponents of the treaty for the sale of Dunkirk. He had not yet arrived at sufficient power to give up his patriotism, and the question was one on which a great deal of popularity was likely to be gained from the odious nature of the sale in the eyes of the populace. At length the bargain was completed, and Dunkirk conveyed to the French King, in consideration of five millions of livres. Sir Edward Harley, the Governor, declared that the money was no more than the price of the artillery, and Louis XIV. was accustomed to boast that he paid for the town with acceptances, and discounted them himself. The money was paid over to Charles to be lavishly squandered in the extravagances of the Court, and the act remained in the opinion of the kingdom, a standing monument of the profligacy of Clarendon's administration.

CHAPTER VII.

FROM THE DECLINE OF CLARENDON'S POPULARITY, TO HIS DEATH.

Growing unpopularity of Clarendon. State of the English Church. Faithfulness of the Presbyterians. Their persecution. Clemency of the King. The dispensing Bill. The Earl of Bristol impeaches the Prime Minister. The "Conventicle" and "Five Mile" Acts. The beginning of the Dutch War. The famous case of Irish Cattle. The opposition of Ormonde. The league of Country gentlemen against Clarendon. Clarendon is turned into ridicule at Court. The King wishes to Marry Miss Stewart, and is thwarted by Clarendon. Charles demands the Great Seal. Impeachment of Clarendon. Independence of the House of Lords. Articles of the Impeachment. Ill-judged flight of Clarendon. Able letter of Clarendon in reply to the charges. Falsity of the charges. The bribes obtained in Ireland by Clarendon and Ormonde. Clarendon's letter burned by the hangman. Bill for his banishment. His wanderings in France. His letter to his daughter, the Duchess of York. His Will. His Death.

CHAP. VII.

THE Minister who had thus gone out of his way to assist the personal wishes of his master, was nevertheless unable to retain his place in the royal favour, while the aversion of the people was fast rising into personal hate. Charles whose humour was better suited by the buffooneries of Berkeley, or the flatteries of Bristol, Ashley and Bennett, was tired of hearing his courtezans, at the Chancellor's approach, exclaim, "Here comes your schoolmaster!" while the people who more than suspected the odious league with France, and looked upon Dunkirk, as the public monument of the treaty, visited upon Clarendon many faults of policy which he would have willingly controlled. One reason, however, was operating to his fall, far more powerful, than Court dis-favour, or political intrigue.

Growing unpopularity of Clarendon.

Clarendon had returned to England, the same Anglican that he was in his youth, when he walked with Laud in the gardens of Lambeth; but the English Church

State of the English Church.

CHAP. VII.

was not the Church of 1642. The hungry and avaricious priests who struggled for glebe lands, and quarrelled over renewal fines, had little in common with the Bishops who graced the early court of the second Stuart; the mitres of Usher and of Juxon, sat strangely on the heads of those who had succeeded; the differences between the revenues of Salisbury and of Winchester, were to such men more important than the broadest departure from the "faith once delivered to the saints." The inferior clergy, where they were not broken with years, were debauched with military service, and the Church in fact was looked upon as a subsistence or a provision, a road to rank, or an excuse for extortion. And yet never was a people in such need of a faithful ministry as the people of England. During the usurpation of Cromwell, inspired tailors, and self-commissioned cobblers, claiming a special revelation that they were to do no work, had taken the place of an educated and commissioned clergy; careful ministrations and the preaching of truth were to be found in that gloomy time amongst the Presbyterians only, and on them Oliver, with the instincts of tyranny, had borne the heaviest hand. Still, like the emblem on their ecclesiastical cognizances, the motto was true,—*nec tamen consumabetur.* Cromwell had endeavoured their extinction in the midst of his irresponsible power, yet they were strong enough to be an object of Charles's flattery, and solicitation from Breda, and as a matter of course, of his treachery and duplicity at Whitehall. Where the influence of the Presbyterians had not penetrated, the theory of the Gospel was almost unknown. The parish churches, as Evelyn* tells us, had been given up to speculative and notional discourses. You might have heard in any of them, the theory of a Utopia, or a new Atlantis, or a geographical discussion on the probable site of the battle of Armageddon, but you would have found among them little mention of the Gospel. It was at this time of the need of

Faithfulness of the Presbyterians.

Their Persecution.

* Evelyn says, that during the Commonwealth he used, on Sunday afternoons, to catechise and instruct his family; 'these exercises universally ceasing in the parish churches, so as people had no principles, and grew very ignorant of even the common points of Christianity, all devotion being now placed in hearing sermons and discourses of speculative and notional things.'

the church that Clarendon thought right to violate the word of the King, the honour of the Parliament, the policy of the nation, and every rule of Christian charity by the introduction of that too notorious statute,—which though in the end, powerless against the Presbyterians, has been fatal to the Church,—which profaned the holiest ordinance of the Gospel, to destroy the proudest privileges of conscience,—and constituted as the test of political slavery, the most sublime commemoration of which fallen man is capable,—making that to be done in token of subserviency to the secular Church of England, which the lips of Divinity directed to be done in remembrance of Him.

The first Parliament of Charles II. had eagerly passed the Corporation Act, and the Act of Uniformity. By the first multitudes of the best men in England were excluded from municipal office, by the second two thousand ministers were expelled from their livings to make way for the nominees of Lord Chancellor Clarendon, men who had studied the Divine mysteries by the bivouac and the camp kettle, or to provide cheap subsistence for the boon companions of profligate peers. Some strokes of political policy are like an over dose of arsenic. They are defeated by their own violence Such was the act that expelled Calamy and Baxter, to make way for the camp-followers of the Restoration. Charles II. who, beneath a too powerful disposition to the *laissez faire*, had still, like many men addicted to the indolent vices, a certain conscience of honour, which frequently, and to the astonishment of his vulgar flatterers, would suddenly wince, could not with comfort look upon the ruthless destruction of that Presbyterian party who would have saved his father's life, and had made the reign of Cromwell a bed of thorns. Charles was a man of the world, and could estimate the courage of the Presbyteries and Synods, who had denounced Oliver to his face, when his own Anglican clergy were misleading him with their pretended plots in England, or incommoding him with their unsought attendance at Breda. He, therefore, attempted to bring in the famous dispensing bill, its object being to dispense with subscription to the Articles of the Church of England.

Clemency of the King

The dispensing Bill.

CHAP. VII.

It is said, that Charles did this solely to favour Popery. But the Papists were few, and the Presbyterians many, and surely we need not seek for the meanest motive for the honourable and truly Royal act of endeavouring to mitigate the ferocity of the "Clarendonian Code." The bill was brought in when Clarendon was confined to bed from illness; but the name of toleration was an elixir that revived the Chancellor. He delivered a speech that defeated the bill and confirmed himself in the country's hatred, and the King's aversion. Of the latter, he had shortly unmistakeable proofs. The courtiers around the throne began to perceive in what direction the tide was setting, and one of the least judicious of these was, the Earl of Bristol. This nobleman, like many of his family, more precipitate than prudent, astonished the House of Lords, on the 10th July, 1663, by moving the impeachment of the Chancellor, in an off-hand manner that has seldom been imitated. Bristol made a set speech, Clarendon, the old *nisi prius* advocate, made a withering reply, and Charles, who there is too much reason to fear, encouraged Bristol, now disavowed his agent. The account is very graphically given at second hand by Pepys. "Mr. Coventry tells me, that my Lord Bristoll hath this day impeached my Lord Chancellor in the House of Lords of high treason. The chief of the articles are these:—1st. That he should be the occasion of the peace made with Holland lately, upon such disadvantageous terms, and that he was bribed to it. 2nd. That Dunkirke was all sold by his advice chiefly, so much to the damage of England. 3rd. That he had £6,000 given him for the drawing up, or promoting of the Irish declaration lately, concerning the division of the lands there. 4th. He did carry on the design of the Portugall match, so much to the prejudice of the Crown of England, nothwithstanding that he knew the Queene is not capable of bearing children. 5th. That the Duke's marrying of his daughter was a practice of his, thereby to raise his family: and that it was done by indiscreet courses. 6th. As to the breaking off of the match with Parma, in which he was employed at the very time when the match with Portugall was made up here, which he took as a great slur to him, and so it was! and

The Earl of Bristol Impeaches the Prime Minister.

that indeed is the chief occasion of all this fewde. 7th. That he hath endeavoured to bring in Popery, and wrote to the Pope for a cap for a subject of the King of England's, my Lord Aubigny, and some say, that he lays it to the Chancellor, that a good Protestant Secretary, Sir Edward Nicholas, was laid aside, and a Papist, Sir H. Bennet, put in his room: which is very strange, when the last of these two is his own creature, and such an enemy accounted to the Chancellor, that they never did nor do agree! and all the world did judge the Chancellor to be falling from the time that Sir H. Bennet was brought in. Besides my Lord Bristoll being a Catholique himself, all this is very strange. These are the main of the articles. Upon which my Lord Chancellor desired the noble Lord that brought in these Articles, would sign to them with his hand! which my Lord Bristoll did presently. Then the House did order that the Judges should against Monday next, bring in their opinion, Whether these Articles are treason or no? And next, they would know, Whether they were brought in regularly or no, without leave of the Lord's House?"

The "Conventicle" and "Five Mile" Acts.

Clarendon still unwarned that both King and people were weary of his domination, gave way to his ruling passion, and disgraced the Statute book with two enactments, which have been condemned to the detestation of his posterity, by the title of the "Conventicle" and "Five Mile" Acts. The first of these Statutes was a law of which there are few examples in modern legislation. It commanded under barbarous penalties all persons to celebrate religious worship according to what Clarendon was pleased to call "the ceremonies of the Church of England,"—ceremonies not then defined, and the uncertainty of which at this moment threatens the disruption of the Anglican establishment. If more than five strangers assembled with any family to read, or pray, they were liable to cumulative penalties, ending in transportation itself. "Conscience," however, as was said by one of the greatest of Clarendon's successors, "is not controllable by human laws, nor amenable to human tribunals;" and Acts of Parliament could not wean the affections of the people from the persecuted Presbyterian Clergy, who had fearlessly de-

CHAP. VII.

clared the counsel of God in those troublous times, when the numberless sectaries had usurped the pulpits which the Anglican Church had abdicated. For this, however, Clarendon had provided the third statute of his Draconian Code. By the "Five Mile Act" those ministers who would not swear to a doctrine of non-resistance, truly Mahommetan, were forbidden to approach within five miles of any Corporate or Borough town, or of any place in which they had exercised their ministry.

Such was the policy of Clarendon's Administration, and by such expedients it was that the hearts of the nation had been in four years alienated from the Crown. It was at this period that the commercial jealousy of the people, and the personal necessities of the King precipitated the war with Holland.

The beginning of the Dutch War

With a population disgusted and discontent, a Parliament slavish and extravagant, and a Court profligate beyond anything related in the story of the Antonines, the Government of Charles the II. threw down a defiance to the prowess of De Ruyter, and the wisdom of De Witt. The object of obtaining money by this expedient, was not accomplished. Parliament voted supplies, but directed how they were to be expended. It granted a Poll-tax, but ordered its Commissioners to see how it was applied. Charles, however, fertile of expedients where money was concerned, accepted the money and the terms, squandered the former, and violated the latter.

The famous case of Irish cattle.

To complete the consistency of the ministerial policy, the peace with Holland had scarce been broken, when the landlords brought forward a frantic enactment to exclude from the English market, the cattle, cured meat, and provisions of Ireland—the only staple of that unhappy land, the Tantalus of nations condemned to deal in human food, of which its people at no period of their history have ever been able to obtain enough. The landed proprietors were, at least, candid in their proposition. Unlike their successors of the present day, they did not profess that their sole object was to keep the labourers from the workhouse, and the farmers from the Bankrupt Court. They candidly told the truth, that the

question was a question of *rent*, and they refrained from laying the measure at the door of the farmers and the peasantry in the manner that lately provoked the sarcasm of the eloquent lawyer—

Sic vos non vobis feris aratra boves ! *

It was in vain that this bill was opposed by all the ability of Clarendon, and all the experience of Ormonde. The former exposed at length its evil consequences, and the latter bitterly proposed that the importation of Irish cattle should be declared not Felony but "Adultery." The bill was passed with that blind stupidity which only rural members can display. The dissipated and craven Buckingham delivered himself of the sarcasm, that those who opposed it "must either have Irish estates or Irish understandings;" and when he was challenged by young Ossory, the Bayard of Ireland, showed plainly enough that he was not possessed of the proverbial Irish chivalry.

Opposition of Ormonde

The judicious conduct of Clarendon *on this* question, still further disobliged the Court, and the country gentlemen; who determined to make him liable in the eyes of the public for the disgraceful progress of the war with Holland. The merchants of London soon had more than enough of the hostilities they had instigated, when the answer of the States was delivered by De Ruyter from his guns at Chatham, and the frightened multitudes assembled upon London Bridge, expecting to see the flag of Holland floating in the Pool. He would have been an enthusiastic Cavalier indeed, who on that day as he heard the broadsides of the Dutch thundering in the distant horizon, had not wished "for one hour of" Robert Blake, whose bones were mouldering in the pit in which loyalty had cast them. Even young men could remember Cromwell, and it is not remarkable that popular fear should make sad comparisons with Clarendon. To add to his unpopularity, the minister had imprudently projected a Palace on the verge of the Royal Park. The stupendous building rose in a time of general privation and national

The league of Country gentlemen against Clarendon.

* Speech of Sir A. E. Cockburn, Q. C. then Her Majesty's Attorney General in the House of Commons.

CHAP. VII.

disaster; the populace considered it the price of the surrender of Dunkirk, and the King looked with little favour on the imprudence of erecting it. When the Dutch entered the Thames, the mob demolished the windows of the Prime Minister, and placed up rhymes conveying that the loss of Dunkirk, the expense of Tangier, and even the want of Royal issue, had all been contrived by Clarendon.* The Dutch war was concluded by the treaty of Breda, but the fall of Clarendon had obviously commenced. The growing aversion of the King was encouraged by his flatterers and buffoons; the gravity of the Chancellor offered a tempting subject of mimicry to such a Court. Killigrew imitated his language, and Lady Castlemaine clothed a monkey in a copy of his dress. Charles conscious of the iniquity of this treatment, and fearful of the reproaches of his father's friend, avoided confidential interview with the Minister. The enemies of Clarendon saw their advantage, and prepared to strike.

Clarendon is turned into ridicule at Court.

An incident suddenly occurred which exasperated the King. One of the Court ladies, La Belle Stewart, had, contrary to custom, so far at least preserved her reputation, as to leave it the benefit of a doubt; † Charles had fallen desperately in love with this lady, and even consulted Archbishop Sheldon as to the possibility of divorcing the Queen, that he might marry her: when it was suddenly announced, that under the influence of Clarendon, she had formed a clandestine marriage with the Duke of Richmond. Charles was implacable towards the supposed author of his disappointment. It was in vain that Clarendon denied his agency in the marriage; the King had too much both of private information and circumstantial evidence, and he set about the degradation of the Minister with an energy which he seldom displayed even in personal matters. He took Buckingham into renewed favour and confidence, and under the solicitations of that unprincipled adventurer, and Lady Castlemaine, he sent a message to

The King wishes to marry Miss Stewart, and is thwarted by Clarendon.

* "Three sights to be seen,
Dunkirk, Tangier, and a barren Queen."—*Pepys' Diary.*

† Though Antony Hamilton acquits Miss Stewart of actual criminality with the King, he describes conduct of hers but a little better, and Pepys says distinctly, that it was believed she had become the King's mistress.

Clarendon, by the Duke of York, assuring him that the Parliament were determined to impeach him, and advising him to surrender the Great Seal. Clarendon declined to accept the advice, and demanded an interview with Charles. At this audience the King repeated the same counsel and the Chancellor persisted in the same determination. He declared that he was not afraid of impeachment, but was prepared to meet it, and expressed a determination not to give way, in which it had been well if he had persisted to the last. The incidents of that interview have formed subjects for the novelist and the painter, and it was indeed a fair example of the government of the two last Stuarts—the sacrifice of a grave and venerable Minister to the ambition of a roue, and the hatred of a courtezan. On the departure of Clarendon from the palace, the King resumed the courage which he had not in his presence. He directed Secretary Morrice to demand the Great Seal. Morrice found him sealing the treaty of Breda; he delivered up with dignity the badge of his office, pensively remarking his satisfaction that his last official use of it was to complete so necessary a peace. The joy of Charles's profligate satellites was unbounded, on the return of Morrice with the Great Seal. The last man who even outwardly professed public honour, or private morality, had ceased to rebuke them by his presence; and the career which they afterwards pursued with so much distinction, was now clearly open to the CABAL.

Charles demands the great seal.

These latter persons could not afford to be contented with the dismissal of their enemy. They had stood in the balcony, as Pepys tells us, "blessing themselves at the old man's going away," but they would have scarcely blessed themselves at the old man's return. Nothing therefore less than impeachment, however unfounded, could protect them from the possibility of Clarendon's revenge. This impeachment was not difficult to accomplish.

Determination to impeach Clarendon.

Edward Seymour, a man ambitious and unprincipled, the representative of the eldest branch of the House of Protector Somerset, was leader of that intelligent body of rustic gentlemen called "The Country Party." This body was agreed in nothing in particular, except a horror of

CHAP. VII.

the invasion of Irish bullocks, and in this matter the Chancellor had deeply offended them by supporting Ormonde in opposition to the Bill. Seymour addressed the House of Commons in a violent speech, of which it is recorded that the allusions to the disasters and disgrace in the war with Holland, excited no such fury as the reference to Irish cattle. He was accordingly appointed to impeach Clarendon at the Bar of the Peers, which he did in the following general terms:—

Impeachment of Clarendon.

"The Commons assembled in Parliament having received information of divers traitorous practices and designs of a great Peer of this House, Edward, Earl of Clarendon, have commanded me to impeach the said Earl of treason and other high crimes and misdemeanours; and I do here in their names, and in the names of all the Commons of England, impeach Edward, Earl of Clarendon, of treason and other high crimes and misdemeanours. I am further commanded by the House of Commons, to desire your Lordships that the Earl of Clarendon may be sequestered to safe custody. They further commanded me to acquaint your Lordships, that they will within a convenient time, exhibit to your Lordships the articles of charge against him."

The House of Lords was naturally unwilling to receive a charge of treason, which specified nothing. When they demurred at acting upon such a charge, the managers for the Commons—cavaliers as they were—alleged the example of the Long Parliament in the committal of Strafford and Laud. The Lords' however persisted in their constitutional view, and came to the resolution that—

Independence of the House of Lords.

"The House would not comply with the desire of the House of Commons concerning the commitment of the Earl of Clarendon, and sequestering him from Parliament, because the House of Commons have only accused him of treason in general, and have not assigned or specified any particular treason."

Consonant as this decision was to the principles of pure jurisprudence, the House of Commons were highly exasperated at the independence of the Peers. They resolved that the House had obstructed public justice, because they had

refused to act as their Marshal, or Serjeant at Arms,—for to such a request the demand of the Commons amounted—merely upon a general charge. The articles of impeachment upon which they had agreed, though they contained some truth, contained no treason except in the last line of the XVI. Article, which seems to have been added as an afterthought by Lord Vaughan, son of the Earl of Carberry. The Articles were seventeen in number, and ran in the following words.

Articles of the Impeachment.

I. That the Earl of Clarendon hath designed a standing army to be raised and to govern the kingdom thereby, and advised the King to dissolve this present Parliament; to lay aside all thoughts of Parliaments for the future; to govern by a military power, and to maintain the same by free quarter and contribution.

II. That he hath, in the hearing of the King's subjects, falsely and seditiously said, that the King was in his heart a Papist, or popishly affected, or words to that effect.

III. That he hath received great sums of money for the procuring of the Canary Patent, and other illegal patents, and granted injunctions to stop proceedings at law against them, and other illegal patents formerly granted.

IV. That he hath advised and procured diverse of His Majesty's subjects to be imprisoned against law, in remote Islands, Garrisons, and other places, thereby to prevent them from the benefit of the law, and to produce presidents for the imprisoning any other of His Majesty's subjects in like manner.

V. That he procured His Majesty's Customs to be farmed at under rates, knowing the same: and great pretended debts to be paid by His Majesty, to the payment of which His Majesty was not in strictness bound; and afterwards received great sums of money for procuring the same.

VI That he received great sums of money from the Company of Vintners, or some of them, or their agents, for inhancing the prices of wines, and for freeing them from the payment of legal penalties which they had incurred.

VII. That he hath in a short time gained to himself a greater estate than can be imagined to be gained lawfully in

CHAP. VII.

so short a time, and contrary to his oath he hath procured several grants under the Seal from His Majesty, to himself and relations, of several of His Majesty's lands, hereditaments, and leases, to the disprofit of His Majesty.

VIII. That he hath introduced an arbitrary government in His Majesty's Foreign Plantations, and hath caused such as complained thereof before His Majesty and Council, to be long imprisoned for so doing.

IX. That he did reject and frustrate a proposal and undertaking approved by His Majesty, for the preservation of Nevis and St. Christophers, and reducing the French plantations to His Majesty's obedience, after the Commissioners have drawn for that purpose, which was the occasion of our great losses and damage in those parts.

X. That he held correspondence with Cromwell and his complices, when he was in parts beyond the seas attending His Majesty, and thereby adhered to the King's enemies.

XI. That he advised and effected the sale of Dunkirk to the French King, being part of His Majesty's dominions; together with the ammunition, artillery, and all sorts of stores there, and for no greater value than the said ammunition, artillery, and stores were worth.

XII. That the said Earl did unduly cause His Majesty's Letters Patents, under the Great Seal of England, to one Dr. Crowther, to be altered, and the enrolment thereof to be unduly rased.

XIII. That he hath in an arbitrary way examined and drawn into question diverse of His Majesty's subjects, concerning their Lands, Tenements, Goods, Chattells, and Properties, determined thereof at the Council Table; and stopped proceedings at law by order of the Council Table; and threatened some who pleaded the Statute of 17th of Car. I.

XIV. That he hath caused Quo Warrantos to be issued out against most of the Corporations of England, immediately after their Charters were confirmed by Act of Parliament, to the intent that he might require great sums of money of them for renewing their Charters, which when they complied withal, he caused the said Quo Warrantos to be discharged, and prosecution therein to cease.

XV. That he procured the Bills of Settlement of Ireland, and received great sums of money for the same, in most corrupt and unlawful manner.

XVI. That he hath deluded and betrayed His Majesty and the nation in all foreign treaties and negociations relating to the late War, and betrayed and discovered His Majesty's secret councils to his enemies.

XVII. That he was a principal author of that fatal council of dividing the Fleet, about June, 1666.

Ill-judged flight of Clarendon.

Before these charges could be presented, Clarendon had committed the most fatal error that can befal a man who is wrongfully accused. He had given way to the entreaties of the secret instigators of the false charges, when they begged of him to fly. Like all persons of such character in similar circumstances, Charles who feared that a trial would lead to the exposure of his own avarice, mendacity, and sensual profligacy, held over the old man's head the threats of an impeachment and the scaffold. Had Clarendon been the man he was seven-and-twenty years before, when he measured himself against John Hampden and Sir Harry Vane, he would have been courageous that had proposed to him to sacrifice himself to save a man like Charles II., from merited exposure. But age is easily broken by ingratitude. It is hard to bear a second fall from high estate, and at three-score years we are ill able to understand the *contra audentior ito.*

He appeals to the King by letter.

Thus Clarendon again uselessly appealed to the King, merely repeating a denial regarding the marriage of Miss Stewart. Charles burned the letter slowly in the flame of a candle, saying dryly "there is somewhat here I do not understand, but why does he not withdraw himself." The efforts to accomplish this were re-doubled; and, finally, a useful Prelate, the Bishop of Hereford, "pledged his salvation" that if he fled nothing should be done against his honor or estate. The Duke of York, and probably the Duchess, backed the suggestion, and Clarendon determined to withdraw. Accordingly on the night of Saturday, the 29th of November, 1667, he proceeded, guarded by his sons, from his house in Piccadilly, to Erith, in Kent, where he embarked for France. This flight he tells us "created a greater feeling to his disad-

CHAP. VII.

vantage than any particular that was contained in the charge that had been offered to the House."

He left behind him a letter to be delivered to the Peers by the Earl of Denbigh, eloquently and conclusively refuting the principal charges. Of this letter the most important passages are what follow.

"I cannot express the unsupportable trouble and grief of mind I sustain under the apprehension of being misrepresented to your Lordships, and when I hear how much of your Lordships time has been spent upon me, as it is attended with more publick consequences, and of the differences of opinion which have already, or may probably arise between your Lordships and the Honourable House of Commons, whereby the great and weighty affairs of the kingdom may be obstructed in the time of so general a dissatisfaction.

Able letter of Clarendon in reply to the charge.

"I am very unfortunate to find myself to suffer so much under two very disadvantageous reflections, which are in no degree applicable to me.

"The first, from the greatness of my estate and fortune, collected and made in so few years, which if it be proportionable to what is reported, may very reasonably cause my integrity to be suspected.

"The second, that I have been the sole manager and chief Minister in all the transactions of State since the King's return into England, to August last, and therefore that all miscarriages and misfortunes ought to be imputed to me and my councels.

"Concerning my Estate, your Lordships will not believe, that after malice and envy hath been so inquisitive and so sharp sighted, I will offer any thing to your Lordships but what is exactly true; and I do assure your Lordships, in the first place, that (excepting from the King's bounty) I have never received or taken one penny but what was generally understood to be the just lawful perquisites of my office, by the constant practice of the best times, which I did in my own judgment conceive to be that of my Lord Coventry, and my Lord Elsmere; the practice of which I constantly observed, altho' the office in both their times, was lawfully worth double to what it was to me, and I believe now is.

"That all the courtesies and favours which I have been able to obtain from the King for other persons in Church or State, or in Westminster Hall, have never been worth me five pounds, so that your Lordships may be confident I am as innocent of corruption as from any disloyal thought, which after near thirty years service of the Crown, in some difficulties and distresses, I did never expect would be objected to in my age.

"And I do assure your Lordships, and shall make it very manifest, that the several sums of money, and some parcels of land, which His Majesty hath bountifully bestowed upon me since his return into England, are worth more than all I have amounts unto; so far I am from advancing my Estate by indirect means. And tho' this bounty of his hath very far exceeded my merit or my expectation, yet some others have been as fortunate at least in the same bounty, who had as small pretences to it, and have no great reason to envy my condition.

"Concerning the other imputation of the credit and power of being chief Minister, and so causing all to be done that I had a mind to, I have no more to say, than that I had the good fortune to serve a master of very great judgment and understanding, and he always joyn'd with persons of great ability and experience, without whose advice and concurrence never any thing hath been done.

"Before His Majesty's coming into England, he was constantly attended by the then Marquess of Ormonde, the late Lord Culpeper, and Mr. Secretary Nicholas, who were equally trusted with myself, and without whose joynt advice and concurrence, when they were all present, (as some of them always were) I never gave any councel. As soon as it pleased God to bring His Majesty into England, he established his Privy Council, and shortly, out of them he choose a number of honourable persons of great reputation, (who for the most part are still alive) as a Committee for Foreign Affairs, and consideration of such things as in the nature of them required much secresie; and with these persons he vouchsafed to join me: and I am confident this Committee never transacted any thing of moment, (His Majesty being

CHAP. VII.

always present) without first presenting the same to the Council Board, and I must appeal to them concerning my carriage, and whether we were not all of one mind in matters of importance.

"For more than two years I never knew any differences in the councils, or that there were any complaints in the kingdom, which I wholly impute to His Majesty's great wisdom, and the entire concurrence of his councellours, without the vanity of assuming any thing to myself; and therefore I hope I shall not be singly charged with any thing that hath since fal'n out amiss. But from the time Mr. Secretary Nicholas was removed from his place, there were great alterations, and whoever knew any thing of the Court of Councils, know well how my credit hath since that time been diminished; tho' His Majesty graciously vouchsafed to hear my advice in most of his affairs: nor hath there been, from that time to this, above one or two persons brought to the Council, or preferr'd to any considerable office in the Court, who have been of my intimate acquaintance, or suspected to have any kindness for me; and most of them most notoriously known to have been very long my enemies, and of different judgment and principles from me, both in Church and State, and have taken all opportunities to lesson my credit with the King, and with all other persons, by mis-representing and mis-reporting all I said or did, and perswading men I have done them some prejudice with His Majesty, or crossed them in some of their pretensions; tho' His Majesty's goodness and justice was such, that it made but little impression upom him.

"In my humble opinion, the great misfortunes of the kingdom have proceeded from the war, to which it is notoriously known that I was always most adverse, and may without vanity say, I did not only foresee, but declare the mischiefs we should run into, by entering into a war, before any alliances made with the neighbouring princes, and that it may not be imputed to His Majesty's want of care, or the negligenses of his councellors, that no such alliances were entred into. I must take the boldness to say, His Majesty left nothing unattempted in order thereto: and knowing very well that France resolved to begin a war upon Spain, as soon

as his Catholick Majesty should depart this world, which being much sooner expected by them, they had in the two winters before, been at great charges in providing plentiful magazeens of all provisions upon the frontiers, that they might be ready for the war. His Majesty used all possible means to prepare and dispose the Spaniard with that apprehension, offering his friendship to that degree, as might be for the benefit and security of both crowns.

"But Spain flattering itself that France would not break with them, at least that they would not give them any cause by administering matter of jealousie to them, never made any real approach towards a real friendship with His Majesty, but, both by their Embassadors here, and to His Majesty's Embassidor at Madrid, always persisted, as preliminaries, upon the giving up of Dunkirk, Tangier, and Jamaica.

"Tho' France had an Embassador here, to whom a project of a treaty was offered, and the Lord Hollis, His Majesty's Embassador at Paris, used all endeavours to pursue and prosecute the said treaty, yet it was quickly discerned, that the principal design of France was to draw His Majesty into such a nearer alliance as might advance their design; without which, they had no mind to enter into the treaty proposed.

"And this was the state of affairs when the war was entered into with the Dutch; from which time neither crown much considered the making any alliance with England.

"As I did from my soul abhor the entering into this war, so I presumed never to give any advice or councel for the way of managing it, but by opposing many propositions, which seemed to the late Lord Treasurer and myself to be unreasonable, as the payment of the seamen by tickets, and many other particulars which added to the expence.

"My enemies took all occasions to enveigh against me, and making their friendship with others out of the council, of more licencious principles, and who knew well enough how much I disliked and complained of the liberty they took to themselves, of reviling all councils and councellours, and turning all things serious and sacred into ridicule, they took all ways imaginable to render me ungrateful to all sorts of

CHAP. VII.

men, (whom I shall be compelled to name in my defence) perswading those that miscarryed in any of their designs, that it was the Chancellours doing; whereof I never knew any thing. However they could not withdraw the King's favour from me, who was still pleased to use my service with others; nor was there ever any thing done but with the joynt advice of at least the major part of those who were consulted with. And as His Majesty commanded my service in the late treaties, so I never gave the least advice in private, nor wrote one letter to any one person in either of those negociations, but upon the advice of the Council, and also after it was read in Council, or at least by the King himself, and some other; and if I prepared any instructions or memorials, it was by the King's command, and the request of the Secretaries, who desired my assistance; nor was it any wish of my own that any Embassador should give me any account of the transactions, but to the Secretaries, to whom I was always ready to advise; nor am I conscious to myself of ever having given advice that hath proved mischievous or inconvenient to His Majesty; and I have been so far from being the sole manager of affairs, that I have not in the whole last year been above twice with His Majesty in any room alone, and very seldom in the two or three years preceding."

Falsity of the charges.

The betrayal of the councils of the King was obviously an unfounded charge, and the stating that His Majesty was popishly affected, the incidents of his death bed showed to be no violent assertion. He could less truly deny, however, his guilt in imprisoning the servants of the crown, and had they got up their case with less zeal and more discretion, they might have brought home to him an attempt at reviving the Star-chamber.*

But of all the charges in the impeachment, the fifteenth

* A Committee had reported, after the Restoration,—"That they were of opinion that it was fit for for the good of the nation that there should be a court of like nature to the court called the Star-chamber; but they desired the advice and direction of the House in the following particulars.

"Firstly. Who should be the judges.

"Secondly. What matters they should judge of.

"Thirdly. By what manner of proceedings they should act.—*Lords' Journals.*

CHAP. VII.

is the most remarkable. Had this been enquired into, the origin of the wealth of Clarendon and Ormonde might have easily been ascertained. Enormous bribes were paid to both by the grantees in Ireland, to retain possession of their grants. It is admitted, that Clarendon was allotted many thousand acres, and the plunder by Ormonde was almost incalculable. His adulatory biographer himself admits, that by the Act of Settlement, and the Court of Claims, he obtained possession of no less than fifty-two estates, extending over seven counties.*

The bribes in Ireland taken by Clarendon and Ormonde.

Clarendon and Ormonde however were in a difficulty how to restore the Irish Cavaliers to those estates, for the possession of which they had taken bribes from the Roundheads. Accordingly they issued a declaration for five hundred Irish gentlemen, who served His Majesty in Flanders, "to be forthwith restored to their ancient estates; *but not until lands of equal value, worth, and purchase are first found out to reprize the adventurers, soldiers, and the rest now in possession,* a work no more or less feasible than the creating another Ireland."†

Clarendon's letter was denounced by the Cabal as a seditious libel, and the Lords directed it to be delivered to the Commons by Buckingham, a service he performed with buffoonery and a sneer.‡

Clarendon's letter burned by the hangman.

The House of Commons directed the letter to be burned by the common hangman, which wise ceremony was performed by the City Sheriffs in Palace Yard.

And now a Bill was brought in for the banishment of Clarendon, in violation of the pledge of Charles's royal word, and the Bishop of Hereford's "salvation." The Bill enacted that unless he surrendered before the 1st of February, 1668, his

* Carte's Ormonde, Vol. II. p. 132.

† French's Sale and Settlement of Ireland.

‡ "A Message from the Lords to desire a speedy conference; from which Mr. Solicitor reports. We attended the Lords at the conference, which was delivered by the Duke of Buckingham, who said to this purpose,—'That the Lords had commanded him to deliver to us that scandalous and seditious paper sent from the Earl of Clarendon, desiring us to present it to you; and to desire you in convenient time to send it to them again, for it had a stile which they were in love with, and desired to keep it.'"—*Impeachment of Lord Clarendon.*

CHAP. VII.

return to England would amount to High Treason, incapable of being pardoned without the consent of both Houses. Charles and the Cabal zealously supported the Bill, and it received the Royal Assent in the middle of December, 1667. Clarendon after a stormy passage, had reached the shore of France, where at first he was well received, but shortly afterwards, probably in obedience to a hint from St. James's, he was ordered to quit the country. The news of the Triple Alliance once more changed the policy of Louis's government towards him, and he was permitted to choose his residence in France. His own desire was to proceed to Avignon, and on his way he was exposed to imminent peril by the brutality of some English sailors at Evreux, who conveniently chose to attribute the late successes of the Dutch against them, to the fallen Minister.

Bill for his banishment

At length, by way of Bourbon and Lyons, he reached Avignon. Here he resided in comparative tranquillity for some time, until it occurred to him that he might be giving scandal by choosing as his refuge the dominions of the Pope. Upon this he retired to Montpelier, and thence to Moulines. The Countess of Clarendon had died at the commencement of his troubles, and at Montpelier he had learned what scarcely less affected him, the apostacy to Popery of the Duchess of York. On hearing of her public profession of the Romish religion, he wrote a long and powerful letter with a view of making her recal the step she had taken. He argues against Popery upon grounds widely different from those upon which he supported the Anglicanism of Laud. In fact he abandons Apostolic succession altogether, even proceeding to allege that the assumption of exclusive salvation by the Roman Catholic Church, was one of those things in which it contradicted the truth of the Gospel.

His wanderings in France.

Death of Lady Clarendon.

The following passage would not surprise us in the pages of Usher, Henderson, or Baxter:—"The common argument that there is no salvation out of the Church is both irrational and untrue. There are many churches in which salvation may be obtained, as well as in any one of them, and were many even in the Apostolic time, otherwise the Apostles would not have directed their Epistles to so many several churches, in

His letter to his daughter the Duchess of York.

which there were different opinions received, and very different doctrines taught. There is indeed but one faith in which we can be saved,—the stedfast belief of the birth, passion, and resurrection of our Saviour. And every Church that receives and embraces that faith, is in a state of salvation."

His health in the meantime was failing fast. He had moved from Moulines to Rouen, and twice pathetically appealed to Charles for liberty to return home to die. The hatred however of the Cabal was not yet extinguished, and his applications were in vain.

On the 1st of December, 1674, he drew up his Will in the following terms.

His will.

"I, Edward, Earl of Clarendon, do order this to be my last Will and Testament. Imprimis. I commit my soul to God; and make the Executors of this said last Will, my two sons, Henry, Viscount Cornbury, and Lawrence Hyde, Esq., and commend to them the care of my servants, who hath behaved themselves very carefully and honestly to me. And likewise recommend their sister, Frances Hyde, and their brother, James Hyde, Esq., to their kindness, to whom I am able to leave nothing but their kindness. Item. I give and bequeath to my said two sons, all my papers and writings of what kind soever, and leave them entirely at their disposal, as they shall be advised, either by suppressing or publishing by the advice and approbation of my Lord Archbishop of Canterbury, and the Bishop of Winchester, whom I entreat to be the overseers of this my Will: and that they would be suitors to His Majesty on my children's behalf, who have all possible need of His Majesty's charity, being children of a father who never committed a fault against His Majesty."

"CLARENDON."

His death.

For a few following days, (his eldest son having previously arrived from England,) his danger continued to increase, and on the 9th he expired, at the comparatively early age of sixty-five. His remains were brought to England in the following January, and privately interred in Westminster Abbey.

THOMAS LORD CLIFFORD, AND THE "CABAL."

IN OFFICE, 1667, TO 1673.

CHAPTER I.

FROM THE ACCESSION OF THE CABAL, TO THE SECRET TREATY.

Composition of the Cabal. Shaftesbury. Buckingham. Bennet, Earl of Arlington. Account of Arlington, given by Evelyn in his Diary. Character of Lauderdale. Consequences of Lauderdale's Scotch Administration. Anecdote of Lauderdale and Shaftesbury. Thomas Lord Clifford. Descent of his family. Origin of their names. Enters the Middle Temple. Is supposed to have turned Roman Catholic. Is returned Member of Parliament. Is recommended to Clarendon. Adopts the Court side. Goes to sea with the Duke of York, and is in action with the Dutch. Is appointed Comptroller of the Household. His solicitation for the Treasuryship of the Household. Death of the Earl of Southampton. Clifford a Commissioner of the Treasury. Early wisdom of the Cabal. Suppress monopolies. Buckingham and Monk. Services of Sir William Temple. The "Triple Alliance" is concluded. The department of the Government classified. Foreign affairs. Army and Navy. Trade and Plantations. Committee of Council. Clifford's remark about the Dutch War. Letter of Colbert to Louis XIV.

CHAP. I.

THE five ministers CLIFFORD, ASHLEY, BUCKINGHAM, ARLINGTON and LAUDERDALE, whose initials afforded the contemptuous term "CABAL" by which their administration is known in English History, however different their abilities and attainments may have been, were on a dead level as to real statesmanship and political honesty. It is difficult indeed to select one from the number, whose claims are greater than those of his colleagues to be inserted in a series of "Prime Ministers." Their counsel was frequently sought separately, and the ministry was at no time unanimous. Thomas Lord Clifford, however, having held the office of Lord Treasurer,—nomin-

Composition of the Cabal.

CHAP. I.

ally the place of the first minister—appears the most suitable selection though his life offers little of interest, and his public career was one of the briefest.

Shaftesbury

SHAFTESBURY was doubtless the man of most mark and eminence, in the CABAL—but to assign his place in the list of statesmen has been a task so often attempted, from his own times to ours, that there is little of interest left for a new biographer to say.* He was, besides, excluded (though not it is to be feared, from any great opinion of his patriotism, or honesty) from the knowledge of some of the most secret and disgraceful proceedings of the second ministry of Charles II.

Buckingham.

BUCKINGHAM—a man of pleasure without even Shaftesbury's occasional pretence of principle, was yet devoured by ambition, and of sufficient ability to see that the Cabal on their accesssion must reverse the policy by which Clarendon had fallen. He adopted public business as a distraction, and amused himself for a little time with reform of finance, and it is not impossible that he was the chief adviser of the course which at the outset of his strange official career promised, for a short period, public content and national honour. The unbounded ambition of the King of France, which Clarendon had favoured, and the unreasoning intolerance in religion which the same statesman had endeavoured to establish; both in the eyes of Buckingham, required control, and thus the "glass of fashion" for the roués of the Court was in the strange position of projecting the Triple Alliance and championing the Non-Conformists.

Bennet, Earl of Arlington.

HENRY BENNET, EARL OF ARLINGTON, had contracted Continental manners and opinions, and was ready to gratify the King as a man of the world and a courtier, without much reference to any principle involved. His education abroad had given him a taste for an apathetic style of government which did not at all conform to the notions of his bolder colleague Clifford. Though sufficiently unprincipled in politics he still acted a part and had not Clifford's courage to declare

* Those who wish to see the process of gilding a political adventurer and renegade, need only consult the life of Shaftesbury—compiled by the third Earl, and Mr. Martyn, and edited by Mr. Cooke—and avoid consulting the records of the time.

the tendency of his schemes. In private life he was an amiable man and endowed with many accomplishments. Evelyn, who was on terms of intimacy with him, gives an account of him at considerable length, and very graphically, some time after he had quitted office in 1677.

Evelyn's account of Arlington.

"My lord himself is given to no expensive vice but building, and to have all things rich, polite, and princely. He never plays, but reads much, having the Latin, French, and Spanish tongues in perfection. He has travelled much, and is the best-bred and courtly person His Majesty has about him, so as the public Ministers more frequent him than any of the rest of the Nobility. While he was Secretary of State he had gotten vastly, but spent it as hastily, even before he had established a fund to maintain his greatness; and now beginning to decline in favour (the Duke being no great friend of his) he knows not how to retrench. He was son of a Doctor of Law, whom I have seen, and, being sent from Westminster School to Oxford, with intention to be a divine, and parson of Arlington, a village near Brentford, when Master of Arts, the Rebellion falling out, he followed the King's army, and receiving an honourable wound in the face,* grew into favour, and was advanced from a mean fortune at His Majesty's restoration, to be an Earl and Knight of the Garter, Lord Chamberlain of the Household, and first favourite for a long time, during which the King married his natural son, the Duke of Grafton, to his only daughter and heiress, as before-mentioned, worthy for her beauty and virtue of the greatest Prince in Christendom."†

Character of Lauderdale.

LAUDERDALE, who did the work of the CABAL, in Scotland, was a person wanting in everything but a certain kind of intrepidity. He was avaricious and cruel beyond measure, and probably accomplished more towards the excitement of that public opinion which finally destroyed the House of Stuart than any other individual of the reign of Charles II. His administration was devoted to two objects, the sanguinary persecution of the Presbyterians, and the perpetual

* All Arlington's portraits show a black patch across the nose.

† Evelyn, vol. II. p. 113.

CHAP. I.

extortion of money from the gentlemen of Scotland. Fifteen hundred pounds was not an unusual composition for attendance on a field-preaching, and it is recorded, that he levied from some gentlemen of small property in Renfrew, thirty thousand pounds. The persecutions of Lauderdale in Scotland, filled Holland with the sagacious and adventurous refugees, who, during the reign of James II. made the throne rock beneath him, and finally expelled the house of Stuart for ever. Lauderdale was a coarse and violent man*—whose persecutions and oppressions were chiefly caused by his unbounded avarice and vulgar ambition—for, to his dying day, he preserved a sort of fearful and superstitious attachment to that Presbyterian faith that he had persecuted, and which, probably, of all forms of Christianity, being so speculative and bold, is the most difficult to abandon for those who have in childhood been taught to reverence its tenets and appreciate its spirit.

Consequences of his Scotch Administration.

Thomas Lord Clifford.

THOMAS LORD CLIFFORD, the most courageous† of the number, completed the celebrated Cabal. He was the scion of a family who traced their descent without interruption from the companions of the Conqueror, and was born on the 1st of August, 1630, at Ugbrooke, in the parish of Chudleigh, in Devonshire, nine miles from Exeter. He was the son of Hugh Clifford, Colonel of a Regiment of foot, in the expedition of Charles I. against the Scots, in 1639, and Mary, daughter of Sir George Chudley, Bart, of Ashton, in the county of Devon. His family were descended from the

Anecdote of Lauderdale and Shaftesbury.

* The following anecdote of his manners is related by Martyn. "Another time the king being at dinner at Lord Shaftesbury's, the Duke of Lauderdale, going out of his sphere attempted to play upon Lord Shaftesbury, and in a manner which did no great honour to his wit or politeness, "I think sir," said he to the king, "there is a very good saying, 'That fools make feasts, and wise men eat them.'" "There is another, said Lord Shaftesbury, "as good, 'Wits make jests and fools repeat them,'" upon which the king, turning to the Duke, said, "Take my advice, know your men before you endeavour to be witty on them."—*Martyn's Life of Shaftesbury, II.* 22.

† "Clarendon had law and sense,
Clifford was bold and brave,
Bennet's grave looks were a pretence,
And Danby's matchless impudence,
Helped to support the knave."
The Young Statesmen—A Satire.

CHAP. I.

Cliffords, Earls of Cumberland, whose founder, William Fitz-punz, came into England with William the Conqueror. Walter, the grandson of this man first took the surname of Clifford from the parish of Clifford, in Herefordshire. Thomas Clifford was, on the 25th May, 1647, being then 17 years old, admitted Gentleman Commoner of Exeter College, Oxford. In 1650, he applied for the degree of B.A., but whether it was conferred upon him or not, does not appear. He is next heard of as a student of the Middle Temple, but, entering an Inn of court, in those days, was more the routine of a polite education, than the preparation for a profession. There is therefore no record that Clifford was ever called to the bar. After a short time, he travelled, "being accounted by his contemporaries, a young man of a very unsettled head, or of a roving, shattered brain." It is probable that he turned Roman Catholic while abroad, for his father and grandfather were members of the Church of England; the latter, after serving in his youth with distinction in the Netherlands, and afterwards attending the Earl of Essex in the reign of Elizabeth, in his naval expedition against Cadiz, being sent envoy to some of the German and Italian princes, ended by, after the age of fifty years, being ordained; he would accept no preferment, but preached always gratis.

Descent of his family. Origin of their name.

Enters the Middle Temple.

In April, 1660, Clifford was elected member for Totnes, in his native county, and was re-elected in May, 1661. He was recommended to Clarendon's notice, but the latter, hearing that he had turned Roman Catholic, avoided him, and Clifford joined with his enemies, and allied himself especially to Arlington. Being an eloquent speaker, he obtained Charles's favour by advocating very warmly, the project of raising the king's authority, and increasing his revenue—two subjects never indifferent to the Stuarts. This caused him to be knighted in 1665. He attended the Duke of York at sea, and was in the sea-fight against the Dutch, on the 3rd of June, in that year. He continued in the fleet commanded by the Earl of Sandwich; and was in the expedition of Bergen, when, on the 2nd of August, the English attacked the Dutch East India fleet, taking refuge in that port; and he was sent envoy to the kings of Sweden and Norway, with

Is returned to Parliament and recommended to Clarendon.

Adopts the Court side.

Goes to sea with the Duke of York, and is in action with the Dutch.

CHAP. I.

full powers. In 1666, he attended Prince Rupert and the Duke of Albemarle, against the Dutch, and was in the engagement which lasted the first five days of June.

On the 25th of July, in the same year, he was again in action with the Dutch, under the command of the same generals. On the 3rd of June, the battle had been stoutly contested, and James II., then Duke of York, had testified the same undoubted courage, and the same want of judgment which characterised his life. After blowing up Opdam with his entire crew, and killing three other Dutch Admirals, and a large number of men, the Duke, instead of pursuing the Dutch, went to bed, and Lord Brouncker, his gentleman of the bed-chamber—a strange attendant for an Admiral afloat—came on deck, and "as though the orders came from the Duke," directed the Admiral to slacken sail; thus all the advantage of the victory were lost.

Is appointed Comptroller of the household.

The life of Clifford about this time, is rather obscure, as indeed, it generally is, except during the period in which he held office. In the following year, 1666, he was appointed comptroller of the King's household, in the room of Sir Hugh Pollard, an appointment stated to be a reward for the services mentioned above. On the 5th of December, in the same year, he was sworn of the Privy Council.

The fall of Clarendon had now approached, and those who had contributed to that event, were to enjoy the fruit of their efforts. The promotion of Clifford seems to have arisen from the partiality of Arlington, who, when Secretary of state, had given much attention to his interests. On the death of Lord Fitzhardinge, Treasurer of the Household, he addressed the most pressing demands, or rather solicitations, to Arlington, to obtain for him the appointment, he being at the same time, in the enjoyment of the office of Commissioner of the sick and wounded in the time of the Dutch war, one of those temporary appointments which are sometimes remembered by the fact that great men held them. In this inferior office, Clifford and John Evelyn were colleagues, and the gentle author of *Sylva*, noted the boldness and ambition of his fellow commissioner and kinsman. Clifford, Evelyn tells us, begged of Arlington "to obtain the Treasurership for him, as the height

His solicitations for the Treasurership of the household

of his ambition," and the letters, he adds, "were written with such submissions and professions of his patronage, *as he had never seen any more acknowledging.*" The application to Arlington, (who, in after years showed the correspondence to Evelyn,) was successful, and resulted in the appointment, above recorded, on which we find in the same authority, this entry, "His Majesty conferred the white staff on my brother Commissioner for sick and wounded, Sir Thomas Clifford, a bold young man of a small fortune, in Devon, but advanced by Lord Arlington, secretary of State, to the great astonishment of all the court. This gentleman was somewhat related to me by the marriage of his mother to my nearest kinsman Gregory Cole, and was ever my noble friend, a valiant and daring person, but by no means fit for a supple and flattering courtier."*

Death of the Earl of Southampton.

While Clifford had not long enjoyed the office of Treasurer of the Household, the death of the Earl of Southampton, Lord High Treasurer, took place, and it was necessary to appoint a new Lord Treasurer, or to put the Treasury into commission. The latter course was resolved upon, and Charles, who had conceived a regard for Clifford, named him to Clarendon first. "The king," Clarendon tells us, "named Sir Thomas Clifford, who was newly of the council, and Comptroller of the House, and Sir William Coventry, and said he did not think there should be many, and the Duke then named Sir John Duncombe, as a man of whom he had heard well, and every body knew he was intimate with Sir William Coventry. The King said he thought three would be enough, and a greater number would make the despatch of business the more slow."†

Clifford a Commissioner of the Treasury.

The Commissioners finally appointed were the Duke of Albemarle, Lord Ashley, Chancellor of the Exchequer, Sir William Coventry, Sir John Duncombe, and Sir Thomas Clifford.

The nation was shortly about to be ruled by the famous Cabal, influenced greatly by many others, such as the Duke of Ormonde, whose initials were not convenient in the forma-

* Evelyn's Diary. † Life of Clarendon.

CHAP. I.

tion of the word, but whose power over public affairs was very obvious and apparent. The outset of the provisional administration, which succeeded Clarendon, was marked by considerable sagacity, and promised a continued prosperity. Ashley and his associates, not tainted like Bennet and Clifford with a leaning to Romanism, saw clearly that the French alliance had principally contributed to the fall of Clarendon, and they determined to discountenance the interest of France. As a proof to the country that they were determined to alter the course of policy, they issued a proclamation commanding all British subjects not of a foreign ambassador's family, to abstain from attending his Roman Catholic chapel, or that of the Queen-mother, under the penalty provided for the offence, and the King ordered all papists to be turned out of the guards. The council resumed the Canary patent so fatal to Clarendon, which had given to a particular company the sole right of trading to the Canary islands.

Early wisdom of the Cabal.

Suppress Monopolies

A company had also existed called the company of woodmongers, who were a sort of monopolists of the sale of fuel, and this company it was also determined to extinguish. They were, however, contumacious. They declined to surrender their patent, and it was announced in the London Gazette, that the Attorney General had been ordered to proceed by *Quo Warranto*. Another announcement, however, soon appeared, that the name of Clarendon, who had granted the patent, had been struck out of the list of the Privy Council—and the woodmongers thought proper to strike.

Charles had, in 1665, by an unwarrantable order in council, dispensed with the Navigation Act in favour of certain merchants of Malaga, and Alicante, and this order the new ministers caused to be withdrawn.

Meeting of Parliament

Parliament met on the 10th of October, 1667, and Charles addressed to them a highly popular and conciliatory speech, in which he referred to his dismissal of Clarendon, an act for which, the House of Lords, on the motion of Buckingham, after some difficulty returned thanks; the House of Commons having refused a similar motion of "one Tomkins, a man of very contemptible parts, and worse manners, who used to be

encouraged by men of design, to set some motion on foot, which they thought not fit to appear in themselves."*

At this time Buckingham was in reality at the head of affairs. Monk had exhibited the utmost weakness since the time of the Restoration, if indeed, he showed any great strength of mind in the course of that event.† Arlington was suspected to be a Roman Catholic, a charge which no ability could neutralize. Bridgeman was a nonenity, Clifford ambitious and time-serving, and Ashley holding off, for the occurrence of some opportunity of greater advantage to overthrow his colleagues.

Buckingham and Monk.

They had however the services of one great man, who, though, as was afterwards apparent, he had little qualification for the supreme conduct of national affairs, was one of the first diplomatists in our history—Sir William Temple. To his ability is attributable the great achievement of the league against Louis XIV. The restless ambition of Louis had been pampered by the slavishness of the first English ministry after the Restoration. Clarendon, as we have seen, even held out as one of his lures for the purchase of Dunkirk that it would be a sure key for an invasion of the Spanish Netherlands. The people of England had shown that they desired to revenge themselves on the author of such policy. The French alliance was known to be the cause of domestic despotism in keeping the King, to some extent, independent of his Parliament, and they hailed with enthusiasm the project of controlling the arrogance of the French Crown. Sir William Temple was sent for, from his country residence, and asked to negociate a union with the States of Holland, and on the 19th of January, 1668, he returned with his work accomplished. Count Dhona, the minister of Sweden, shortly followed him—a treaty of Commerce was concluded with

Service of Sir William Temple.

The "Triple Alliance" is concluded.

* Clarendon's Life.

† Popys says of him, that he hears, from a friend, "that he is grown a drunken sot, and drinks with nobody but Troutbecke, whom nobody else will keep company with, of whom one told me once this story; that the Duke of Albemarle, in his drink, taking notice, as of a wonder, that Nan Hyde should ever come to be Duchesse of Yorke: "Nay," says, Troutbecke, "ne'er wonder at that: for if you will give me another bottle of wine, I will tell you as great, if not greater, a miracle." And what was that, but "that our dirty Besse meaning his Duchesse, should come to be Duchesse of Albemarle?"—*Diary*.

CHAP. I.

the Swedes, and they immediately joined Holland and England to oppose the aggression of France, by signing the famous treaty called the Triple Alliance.

Louis, however, in the *salons* of Versailles laughed at the fitful magnanimity of his pensioner Charles, and remarked, "our Cousin of England has had too much money of late!"

At this time the origin of the classification of our departments of government is to be found, in the following scheme propounded by the ministers:—

The departments of the Government classified.

"His Majesty continuing to pursue what he hath so happily begun for the better regulating his affairs for the future, and having among other important parts thereof, taken into his princely consideration the way and methods of managing matters at the Council-board, on Friday, January the 31st, declared his pleasure to the board, that certain standing committees of the Council, for several businesses should be henceforth established, together with regular days for their assembling, viz:—

Foreign Affairs.

"First.—A committee for Foreign Affairs, to which is also to be referred the corresponding with the justices of the peace, and other His Majesty's officers and ministers in the several counties, concerning the Affairs of the Kingdom, &c. To meet always on Mondays.

Army and Navy.

"Secondly.—A committee for such matters as concern the Admiralty and Navy, as also all Military Affairs, Fortifications &c., so far as they are fit to be brought to the Council-board without intermeddling in what concerns the proper officers, unless it shall be by them so desired. To meet on Wednesdays. N. B. The Duke of York did the same day preside at this committee.

Trade and Plantations.

"Thirdly.—A committee for the Business of Trade, under whose consideration is to fall whatever concerns the Foreign Plantations, as also what relates to the Kingdoms of Scotland and Ireland, with the Isles of Guernsey and Jersey. To sit on Thursdays.

Committees of Council.

"Fourthly.—A committee, to whom are to be referred all petitions of complaints and grievances, to whom His Majesty hath thought fit particularly to prescribe that they meddle not with property, or what relates to *meum* and *tuum*; to

which committee His Majesty is pleased that all matters which concern Acts of State, or of Council be referred. To sit on Fridays. For the rendering which Constitution the more effectual His Majesty was pleased to declare, that, for the future, as nothing is to be resolved in Council till the matter hath been first examined and hath received the opinion of some committee or other; so on the other side that nothing be referred to any committee until it hath been first read at the Board: with other wholesome rules, which are for the future to be strictly observed."*

The Cabinet Council.

The first of these divisions was the most important, and finally became what is called the Cabinet Council. It consisted of the Dukes of York, Buckingham, and Ormonde, Lords Lauderdale, Ashley and Arlington, Sir Thomas Clifford, and Secretary Morice. It was however a divided assembly, one party being desirous of breaking completely the French interest, and another anxious to keep it supported, by being well assured that Charles was still secretly soliciting Versailles. And indeed there was much need that the minister should look somewhere else than to the Parliament for supplies. On the day on which the Houses had so enthusiastically thanked the Crown for the Triple Alliance, Clifford had been heard to remark, "This is all very well; but we shall soon have a Dutch war nevertheless!" The money granted so readily for a war against France, by the Parliament, could not well be used against Holland, and a secret treaty to which we shall have presently to advert, had been made between Charles and Louis, which it was necessary to carry out. The fear of a New Parliament was upon all parties at Court. In June 1671, Colbert wrote to Louis.

Clifford's remark about the Dutch war.

Letter of Colbert to Louis XIV.

"I found the King of England, the Duke of York, and my Lord Arlington, all well-disposed not to lose any time in the execution of the things that have been promised. There is nothing however yet determined for the principal point, and they don't even pretend to fix it till they return to London, and see what may follow from the severity with

* *London Gazette*, Feb. 6, 1667—8.

CHAP. I.

which the King designs to make the last act of Parliament against the meetings of the Sectaries be observed: and he hopes that their disobedience will give him the easier means of increasing the force of his troops and coming speedily to the end he purposes."* The Parliament had been prorogued on the 22nd of April, 1671, and, during the two years which elapsed before it reassembled, the government had been totally irresponsible.

Charles had in 1669 entered into a shameful secret treaty with Lous XIV., in which treachery to his country he was assisted by Arlington and Clifford.† By this compact Charles was to have from France an annual pension of £200,000, and the aid of 6000 French troops, and in return was to join Louis in making war upon the United Provinces and endeavour to establish the Romish religion in England. This treaty was chiefly managed by Clifford, and was carried back to France by Henrietta, Duchess of Orleans, the sister of Charles II., who had come over to negociate it.

* Dalrymple, Vol. 2., p. 61.

† For this treaty as supplied to Dr. Lingard, by the descendants of Lord Clifford, see Appendix A.

CHAPTER II.

FROM THE SECRET TREATY, TO THE DEATH OF CLIFFORD.

Parliament vote supplies, and petition against the Nonconformists. The attack on Sir John Coventry. Burnet's account of the affair. Passing of the Coventry Act. Contest with the Lords. Project of shutting up the Exchequer. Question as to the author of the project. Secrecy of the plan. Rise of Clifford. Evelyn's summary of his career. Shaftesbury said to be offered the Treasury. Martyn's account of Clifford's appointment. Growing power of Clifford. Affair of Blood. Clifford made Lord High Treasurer. Is sworn into office. Piratical attack on the Dutch fleet. Declaration of War. Called Lord Clifford's War. Religious hostilities. Battle of Southwold Bay. Assassination of De Witt. Rise of William III. Decay of the Cabal. Shaftesbury defends the shutting of the Exchequer and the Dutch war. Difference of Shaftesbury and Clifford. Declaration withdrawn. The Test Act brought in and passed. His great chagrin at leaving office. He falls into despondency. His illness increased by superstition. Anecdote by Lord Shaftesbury. Retires to his seat in Devon. His death. Supposition of Suicide. Evelyn's account of the rumours of his suicide. Character of Clifford.

CHAP. II.

In the meantime the Parliament voted supplies for the navy, and showed a strong disposition to submit to the utmost depotism of the Court. They addressed the Crown requesting that severe measures should be taken against the Non-Conformists, who were accordingly persecuted with great cruelty.* They voted £800,000 to raise a fleet, which Charles, in his secret treaty, had promised to use for the advancement of the designs of France against the Dutch Republic, for the support of which the Parliament believed the supplies were being voted.

Parliament vote supplies, and petition against the Nonconformists.

In this Parliament an incident occurred illustrative of the manners of the court. Sir John Coventry, in a question regarding stage players, on being answered by a courtier, "that players were the King's servants, and a part of his pleasures," very pointedly asked whether "the pleasures of the King lay among the men players or the women?"—a

The attack on Sir John Coventry.

* Baxter's Life and Times.

CHAP. II.

gross and useless reflection dictated by no patriotic feeling, and only calculated to give personal offence to Charles. Some of the Duke of Monmouth's soldiers with the King's consent, seized Sir John Coventry, near his own house, and after violently assaulting him, slit his nose to the bone.

Burnet's account of the affair.

Bishop Burnet says "the Duke of York told me he said all he could to the King to divert him from the resolution he took, which was to send some of the guards, and watch in the streets where Sir John lodged, and leave a mark upon him. Sands and Obrian, and some others went thither, and, as Coventry was going home, they drew about him. He stood up to the wall, and snatched the flambeau out of his servant's hand, and, with that in one hand, and his sword in the other, he defended himself so well that he got more credit by it than by all the actions of his life. He wounded some of them, but was soon disarmed; and then they cut his nose to the bone, to teach him what respect he owed to the King; and so they left him, and went back to the Duke of Monmouth's, where Obrian's arm was dressed. That matter was executed by orders from the Duke of Monmouth, for which he was severely censured, because he lived then in profession of friendship with Coventry, so that his subjection to the King was not thought an excuse for directing so vile an attempt on his friend without sending him secret notice of what was designed. Coventry had his nose so well sewed up, that the scar was scarce to be discerned."*

Passing of the Coventry Act.

Parliament was thrown into violent excitement by this outrage, and passed an Act, making cutting and wounding capital, and taking from Charles the power to pardon the offenders, Sir Robert Holt remarking, that "Lord's noses, are even as our noses, and not of steel: it concerns the Lords as well as us,—as in Lord Ormond's case." Some of the inferior agents were punished, but the principal perpetrators of the crime escaped.

Contest with the Lords.

The other remarkable incident of the session, was a contest in which the Commons successfully resisted an attempt of the Lords to alter a money bill, the bill being finally lost after several conferences on the subject.

* Burnet's History of his own times.

The necessity of meeting another parliament was coming on, and the equal necessity of doing something towards the performance of the secret treaty, when it was determined that the course indicated in the extract from Colbert, before given, should be adopted. But how was money to be obtained, without the consent of Parliament? This was the chief difficulty, and was met by one of the boldest frauds ever perpetrated by a necessitous despot—the seizing of the trust money deposited in the Exchequer. Charles, it seems, had been for some time using this money, for Evelyn writes, under date of March, 1672. "The Treasurer of the Houschold, Sir Thomas Clifford, hinted to me, as a confidant, that His Majesty would shut up the Exchequer, and accordingly, His Majesty made use of infinite treasure there to prepare for an intended rupture; but says he, it will soon be open again, and every body satisfied; for this bold man, who had been, the sole adviser of the King to invade that sacred stock, (though some pretend it was Lord Ashley's counsel, then Chancellor of the Exchequer,) was so over confident of the success of his unworthy design against the Smyrna merchants, as to put His Majesty on an action which not only lost the hearts of his subjects, and ruined many widows and orphans, whose stocks were lent him, but the reputation of his Exchequer for ever, it being before in such credit that he might have commanded half the wealth of the nation."*

Project of shutting up the Exchequer.

With whom this counsel originated, is one of the minor controversies of history.† Its boldness and its fraud might be equally attributable to the character of Ashley or of Clifford, and it is not improbable that the conjecture that the former designed it, and the latter pirated his plan, is near the truth. Ashley, however, finding it resolved upon, deter-

Question as to the author of the project.

* Evelyn, Vol II. p. 70.

† Hume seems to have said, without sufficient authority, that Charles had put up the Lord Treasurership to auction, and Clifford won it by this advice.

"The King had declared that the Staff of Treasurer was ready for any one that could find an expedient for supplying the present necessities. Shaftesbury dropped a hint to Clifford, which the latter immediately seized and carried to the King, who granted him the promised reward, together with a peerage. This expedient was the shutting up of the exchequer."—*History of England.* We shall see that the Treasurership was the object of much intrigue.

CHAP. II.

mined to catch the gale of popularity by assigning reasons against the step. They were written with the usual power of their accomplished author, and certainly are beyond the possibility of being answered.*

The intention of the shutting the Exchequer, (the credit of which department had been chiefly created by Cromwell,) was kept a profound secret from all who were supposed to be honest about the government. Sir William Temple, in a letter to his brother, complains that persons about the court, who had money in it, were not warned that they might withdraw it.

Secrecy of the plan.

"The Counsel," he says, "of stopping the Exchequer, was carried so secret that I do not hear of any man at Court that had warning enough to call in his money out of the banker's hands, till Sir Thomas Clifford proposed the thing in council, without other circumstances than saying that it was necessary; the King must have money for the war with Holland; that he knew no other way but this; and desired that none would speak against it without proposing some better and easier way."†

Rise of Clifford.

Clifford had now arrived at the height of his ambition. He was to be Lord High Treasurer. His rise had been rapid and remarkable. Evelyn thus sums it up. "The first thing was his being in Parliament, then Knighted, and then made one of the Commissioners of sick and wounded, on

* "Reasons against stopping the due course of payment in the Exchequer.

First. It is contrary to common justice among men, and also to the law, and several statutes of the realm.

Secondly. It is against your Majesty's constant promises, and especially your declaration of the 18th June, 1669, which says that all funds present and future, shall be kept sacred and indidable.

Thirdly. It must amaze mankind, and will ruin thousands, among whom are a multitude of poor widows and orphans.

Fourthly. It will immediately cause the greatest damp on trade that hath been known, and so concerns your Majesty's revenue considerably, all this money in the Exchequer, and a greater sum being actually lending to your Majesty's officers, as the Treasurers of the Navy and Army, the Chamber, Cofferer, Ordnance and Victuallers.

Fifthly. This post will carry it all over Europe to the great joy of your enemies, who know the use of credit, and the crown of Spain can sufficiently tell what the abuse thereof has cost, which your Majesty hath been pleased often to mention as a great mistake in that government, though they never did anything so high as this, it being only upon the framers of the revenue."—*Martyn's Life of Shaftesbury.*

† Temple's Memoirs.

which occasion we sat long together; then, on the death of Hugh Pollard, he was made Comptroller of the Household, and Privy Counsellor, yet still my brother Commissioner; after the death of Lord Fitzhardinge, Treasurer of the Household, he, by letters to Lord Arlington, which that Lord showed me, begged of his Lordship to obtain it for him as the very height of his ambition. These were written with such submissions and professions of his patronage, as I had never seen any more acknowledging. The Earl of Southampton then dying, he was made one of the Commissioners of the Treasury. His Majesty inclining to put it into one hand, My Lord Clifford, under pretence of making all interest for his patron, my Lord Arlington, cut the grass under his feet, and procured it for himself, assuring the King that Lord Arlington did not desire it. Indeed, my Lord Arlington protested to me that his confidence in Lord Clifford made him so remiss, and his affection to him was so particular, that he was absolutely minded to devolve it on Lord Clifford, all the world knowing how he himself affected ease and quiet, now growing into years, yet little thinking of this go-by. This was the only great ingratitude Lord Clifford showed, keeping my Lord Arlington in ignorance, continually assuring him he was pursuing his interest, which was the Duke's, into whose great favour Lord Clifford was now gotten, but which certainly cost him the loss of all, namely, his going so irrevocably far in his interest. For the rest my Lord Clifford was a valiant uncorrupt gentleman, ambitious, but not covetous, generous and passionate, a most constant sincere friend, to me in particular, so when he laid down his office I was at the end of all my hopes and endeavours."

Evelyn's Summary of his career

It is represented in the life of Shaftesbury before referred to that there was in the first instance an intention to force the office of Treasurer upon that personage; whom his biographers represent to have been torn at all times, in one way by the affections of the King, and another by the adoration of the people. Sir Thomas Clifford is also declared to have been anxious that Lord Ashley should accept the office from the deep and slow design—very unlike a project of

Shaftesbury said to be offered the Treasury.

CHAP. I.

"Clifford the bold and brave"—that his rival might be destroyed by the censures of the Parliament. *

The negociation is remarkable were it only as an instance of the wonderful sagacity which his grandson and Mr. Martyn found out in the refusal of Shaftesbury. He it seems saw at once that, the offer was a trap, and never was office since avoided by so extraordinary a retreat.‡

The Earl by this remarkable resistance prevailed in his effort to refuse office, and his biographer proceeds to show how it was that Clifford became treasurer at last.

Martyn's account of Clifford's appointment.

"The more averse he seemed to the place, the more earnest they were with the King to press it upon him; and, accordingly, His Majesty resolved to deliver it to him the Sunday following; but Lord Shaftesbury receiving, on Friday, some private intimations of the matter, went out of town to Lady Northumberland's at Petworth, from thence to Mr. Morton's at Southwick, and thence to Mr. Noel's (afterwards Earl of Gainsborough) at Titchfield, whence he went to his own house in Dorsetshire, where he stayed five or six weeks. Before his return to London, the affair was concluded, and the staff determined to be given to Sir Thomas Clifford who was willing to accept it upon any terms."‡

* "Though Sir Thomas Clifford had the white staff in view, and the Duke of York's interest to gain it, yet, as he believed that Lord Ashley would not be continued long in the possession of it, he likewise concurred in the advice; especially as he saw the Parliament must meet to grant supplies for the war: and he thought that after Lord Ashley had been exposed to the censure of the two houses, he himself might succeed him with the greater reputation." Life of Shaftesbury, by Martyn, II: 4.

† "The King approved of making Lord Ashley treasurer, and as a previous step to it, advanced him to the dignity of the Earldom of Shaftesbury. When he afterwards made him an offer of the staff Lord Shaftesbury immediately penetrated the design with which it was proposed to him, and the difficulties that attended it. He saw an exchequer without credit, drained by the excessive expenses of the Court; and the King without money or resources, engaged in a war contrary to the sense of the nation. Lord Shaftesbury was sensible, at the same time, how potent his enemies were at Court, and how great their influence was in the House of Commons. He formed, therefore, at once his resolution. He returned his thanks to the King for the honor designed him, but humbly begged to be excused, unless he might be invested with a sufficient power of making peace with the Dutch. Upon this condition he said that he would readily accept of the place, and undertake to recover the credit of His Majesty's exchequer and affairs; but a compliance with this condition did not agree with the designs of the junto." Martyn's Shaftesbury, Vol II., p. V.

‡ *Martyn's Life of Shaftesbury.* Vol. II. page 5.

Clifford's power had been very considerable at Court for some time. We have seen that his name was the first which Charles suggested on the Treasury commission. He was probably admitted largely into those private and personal plots of Court policy which hesitated at no means and rejected no instrument for the accomplishment of their ends. The Duke of Ormonde was, at this time, from the mere gravity and decency of his character, and the standing reproach which his life constituted to the manners of the Court,—in very bad odour with Buckingham and Lady Catlemaine. His assassination was attempted in the streets, by one Blood—an Irishman of good descent but of the most abandoned habits—whose crimes have become proverbial. Charles had his own reasons for fearing to bring this ruffian to justice. He pardoned him after he had been condemned to death for his crimes, and the fellow was found afterwards swaggering about Whitehall, and, as Carte says, "by a particular affectation often in the very room where the Duke of Ormonde was."

Growing power of Clifford.

Affair of Blood.

Whatever were the causes of the mysterious pardon of Blood, even the ministers joined in the attention paid him by the Court party, and condescended to ask him to their houses.*

* Evelyn says in his Diary, "Dined at my Lord Treasurer's, where dined Mons. de Grammont and several French noblemen, and one Blood, that impudent, bold fellow, who had not long before attempted to steal the imperial crown itself out of the Tower, pretending curiosity of seeing the regalia there, when, stabbing the keeper, though not mortally, he boldly went away with it through all the guards, taken only by the accident of his horse falling down. How he came to be pardoned, and even received in favour, not only after this, but several other exploits almost as daring both in *Ireland* and here, I could never come to understand. Some believed he became a spy of several parties, being well with the sectaries and enthusiasts, and did his Majesty service that way, which none alive could do so well as he; but it was certainly, as the boldest attempt, so the only treason of this sort that was ever pardoned. The man had not only a daring, but a villanous, unmerciful look: a false countenance, but very well spoken, and dangerously insinuating."

The pardon of this miscreant was to his contemporaries inexplicable, but it is clear from the Duke of Ormonde's own remarks and the threat of Ossory in Charles's presence, that they attributed to the King that he was concerned in the plot. Carte says, in his Life of Ormonde, "All the world, stood amazed at this mercy, countenance, and favour showed to so atrocious a malefactor, *the reasons and meaning of which they could not see nor comprehend.* The general opinion, at the same time, was, that Blood was put upon the assassination by the Duke of Buckingham and the Duchess of Cleveland, who both hated the Duke of Ormonde mortally."

CHAP. II.

In the meantime public affairs were reduced to that condition that the "Cabal" had lost whatever popularity they had at first obtained by the Triple Alliance. The private treaty with Lous which Clifford and Arlington had so zealously advanced, notwithstanding all the efforts to keep it secret had been divulged to De Witt, and that minister had immediately allied the States with Spain—that the barrier of the Spanish Netherlands might be placed between Holland and the advance of the French. Clifford was created on the 20th of April, 1672, Lord High Treasurer, and Baron Clifford of Chudleigh, in the county of Devon, the King giving him the manor of Carrington and Rodnay-Fitzpayne, in Somersetshire.*

Clifford made Lord High Treasurer.

Clifford had assumed the office of Lord Treasurer amidst public indignation at the breach of national faith by which the Exchequer had been shut up. Shaftesbury on the day of his being sworn into office delivered a long speech which one would almost imagine was intended to be sarcastic. He praised Charles II. for the virtues which he notoriously had not, declaring him to be like the Emperor Titus—*deliciae humani generis*," and concluded by a hope that Clifford "might exceed all his predecessors in that place; the abilities and fidelity of the renowned Lord Burleigh; the sagacity, quickness, and great despatch of his son, the Lord Salisbury; and the uprightness, integrity, and wisdom of that great man that went last before him, the Earl of Southampton."

Is sworn into office.

Clifford soon showed how far all these virtues were likely to mark his administration. In pursuance of the secret treaty and with the hope, as he expressed to Evelyn, of obtaining sufficient plunder to pay the clamorous victims of the shutting of the Exchequer, he determined to make a piratical attack on the Dutch Smyrna fleet notwithstanding the fact that the Triple Alliance still existed. The freight of this fleet was

Piratical attack on the Dutch fleet.

* The Gazette stated that he had been sworn of the Privy Council on account of "his singular zeal, wherein he had, on all occasions, merited in His Majesty's service, and more eminently in his honourable dangers in the then late war against the Dutch and French, where he had been all along a constant actor; and, as it was observed, had made it his choice to take his share in the warmest part of those services."

CHAP. II.

supposed to be worth a million and a half of money, and Sir Robert Holmes was sent to seize upon it. Holmes attacked accordingly, but with little success, for, after a hardly contested battle he was beaten off, and all Christendom struck with astonishment at such an act of perfidy. After such an event the declaration of war could no longer be delayed, and Clifford attempted to obtain supporters in the approaching Parliament, by a relaxation of the laws against the Non-Conformists. This project was unsuccessful. The indulgence was granted by an illegal exertion of what was called the dispensing power of the crown, and disgusted churchmen without attaching dissenters. Immediately afterwards, war with Holland was declared on the alleged ground that a series of public insults had been cast upon the King by the Dutch, and that they had refused to strike to the English flag in the Narrow seas. Sweden, which had also been party to the Triple Alliance, joined what it supposed to be the stronger party of Charles and Louis against the Dutch, and on the 17th of March 1672 the war was formally declared. The astonishment of the people of England was intense. "No clap of thunder in a fair frosty day," says Sir William Temple, "could more astonish the world, than our declaration of war against Holland in 1672; first, by the matter of fact in falling upon the Smyrna fleet, and, in consequence of that, by formal declaration, in which we gave reasons for our quarrel, while France contented themselves to give no other than the glory of that King. The Dutch could never be possessed with a belief that we were in earnest, but thought that our unkindness of late would end in demands of money. The princes concerned in their safety could not believe that after having saved Flanders out of the hands of France, we could suffer Holland to fall into the same danger; and my Lord Arlington told me at that time that the court of France did not believe it themselves till the blow was struck in the attack of the Smyrna fleet, but they immediately set out their declaration."*

Is unsuccessful.

Declaration of War.

Sir William Temple's account.

The evident preference shown him by the King, caused the indignation of the public, excited by the war, to fall upon

Called "Lord Clifford's War."

* Temple's Works, vol I. p. 379.

CHAP. II.

Clifford alone, to the exclusion of his colleagues. His natural character for boldness made him too ready in adopting the authorship of extreme counsels, and his known leaning to Popery confirmed the popular opinion.

"Lord Clifford's violence," says Sir William Temple, "in beginning the war, gave it an ill air in general, and a disuse of parliaments a cruel maim in the chief sinews of war."*

Religious hostilities.

The religious view of the subject was quite as exciting to the popular hostility as the political; and the avowed policy of Louis Quatorze incensed the Protestants against the Lord Treasurer, as his abettor in attempting in England a revival of the Romish faith. We have it plainly stated of the war, that "it was so far set on foot by the Roman Catholic party, that it was called Lord Clifford's war. †" The hostilities began with vigour on both sides. It was arranged that the fleets of England and France should form a junction near the Isle of Wight. This project, however, was defeated by the rapidity of De Ruyter, and the proposed rendezvous had to be made in another direction. The Duke of York succeeded in passing the Dutch under cover of a fog, and joined the French under d'Etrees, De Ruyter declined the first challenge of the combined fleets, and attempted to surprise them while taking in stores at Southwold Bay. "The Dutch" to use the language of James in his memoirs, "had all the advantage they could desire of surprise, of wind, and of number." A terrible engagement was the result. The Duke of York, whose fleet consisted of no more than forty ships, engaged from sun-set to sun-rise the seventy line of battle ships of the Dutch, and the fleets finally separated, leaving the English considerably more than a colourable victory. The fleet of Louis almost stood aloof throughout the day, in obedience to what had been the wily policy of Mazarin, that the English and the Dutch should destroy each other. Van Ghent, the Dutch Vice Admiral, was slain; and it is a trait of the manners of the time, that the Earl of Sandwich, second in command to the Duke of York, stepping

Battle of Southwold Bay.

* Sir William Temple's Memoirs, Vol. II.

† Dr. Davenant's Essay upon the Balance of Power.

into a boat, was overset, and perished by the weight of his iron armour.

The advance of Louis upon the Low Countries, will be for ever memorable as calling forth the great military genius of William III, and exciting an unreasoning population to shed the blood of "the wisest, best, and most truly patriotic minister that ever appeared upon the public stage"*—the incomparable De Witt—a murder of, at least the indirect instigation of which, no candid historian can acquit the Prince of Orange. Doubtless, the great Republican, who shared the fate of Cato, would have resisted to the death the re-domination of the House of Orange; and the splendour of William's chivalrous achievements have silenced the criticisms of posterity. We have not yet arrived at the time when the virtues that consolidate a nation, will be permitted to compare with the courage that conquers in the field.

Assassination of De Witt.

After two years of a desultory war, Charles was compelled to make a separate peace. He and the Cabal were no match for the dauntless leader of the Dutch, who, at the age of one-and-twenty years drove back Condé and Turenne and contemplated that conception of Titanic grandeur,—rather than surrender to the French, to embark the whole people of whom he was hereditary Prince, on board their merchant fleets, hurl down the Dykes that kept back the waves of ocean, and give back "the land that bore him" to the German Sea.

Rise of William III.

The fate of the "Cabal" was sealed. A Meeting of Parliament, of which they stood in principal horror, and which they had managed to ward off for nearly a year and a half, became inevitable. The unappreciated policy of Clarendon, which, even in the delirium of the Restoration secured the dependency of the crown, was telling upon them. Money must be obtained, and therefore Parliament must be met. It accordingly assembled on the 4th of February, 1673, and but a few hours elapsed, before the dissensions of the ministers were fully apparent. In the recess, Shaftesbury, who was weighing the relative prospects of advantage from

Decay of the Cabal.

*Charles James Fox, History of James II.

CHAP. II.

adopting despotism or patriotism, had, in his capacity as Lord Chancellor, issued writs for several elections, and Clifford and his faction hoped to obtain his dismissal on that ground, by a vote of Parliament. Shaftesbury saw the object, and determined to secure the favour of the King, by defending both the shutting up of the Exchequer, and the Dutch War. It was, indeed, as Burnet calls it, "a base, complying speech," entirely opposed to all that Shaftesbury had previously pretended.

Shaftesbury defends the shutting the Exchequer and the Dutch war.

He had, however, chosen his course, which was to raise a cry against Popery, and the Declaration of indulgence, that he might drive Clifford from office. The House of Commons had scarcely met when they declared the declaration to be against the law, complained of the growth of Popery, and requested a proclamation against priests and jesuits. Clifford immediately proposed the prorogation of Parliament, but this was thought too dangerous a step. His next expedient was to ask the advice of the House of Lords, believing that they would support the Crown, and that the collision of the Houses would form an excuse for the prorogation. The King accordingly requested the opinion of the House of Peers, and a violent debate ensued. The Bishops strenuously opposed the declaration, and Clifford replied with much violence. The account of Burnet is full and graphic—"Lord Clifford resolved to assert the declaration with all the force and all the arguments he could bring for it. He showed the heads he intended to speak on to the King, who approved of them and suggested some other hints to him. He began the debate with rough words; he called the vote of the Commons *monstrum horrendum ingens*, and ran on in a very high strain. He said all that could be said with great heat, and many indecent expressions. When he had done, the Earl of Shaftesbury to the amazement of the whole House, said he must differ from the Lord that spoke last, *toto cœlo*. He said while those matters were debated out of doors, he might think, with others, that the supremacy, asserted as it was by law, did warrant the declaration; but now that such a House of Commons, so loyal and affectionate to the King, were of another mind, he submitted his reason

Difference of Shaftesbury and Clifford.

to theirs. They were the King's great council; they must both advise and support him; they had done it, and would do it still, if their laws and religion were once secure to them. The King was all in a fury to be thus forsaken by his Chancellor, and told Lord Clifford how well he was pleased with his speech, and how highly he was offended with the other. The debate went on, and upon a division, the Court had the majority; but against that vote, about thirty of the most considerable of the House protested; so the court saw they had gained nothing in carrying a vote that drew after it such a protestation." *

Shaftesbury had now thrown off the mask, and determined to adopt at once the most noisy patriotism. He had, up to the last moment deceived Clifford, who still hoped to retain office, and had found according to Rapin, a scheme to provide the King with a permanent fund which should keep him for ever independent of Parliaments.† But the disposition of the House of Lords did not show as favourable as had been expected. Clifford saw danger of being in a minority. Even Colbert, on behalf of Louis remonstrated against the resistance by the Court being persisted in; and Charles at length cancelled the declaration, breaking the seal with his own hand.

Declaration withdrawn.

All was now prepared for Shaftesbury's attack on Clifford, and his patron, the Duke of York. The Test Act was ac-

* Burnet's History of his own times.

† "The Lord Treasurer, Clifford, ignorant of Shaftesbury's intention, paid him a visit the night before, and communicating to him a project for establishing a perpetual fund to free the King from his dependence on the Parliament, read to him a speech he had prepared to speak on the morrow, concerning this project, in the House of Lords. The Earl of Shaftesbury seemed highly pleased with the speech, and desired to hear it again. The next day, the King and Duke of York coming to the House to countenance the project with their presence, the Lord Clifford spoke his speech. He had no sooner done than the Earl of Shaftesbury stood up, and answered his speech from the beginning to the end. He demonstrated the project to be extravagant and impracticable; that it would overturn the government, and perhaps send the King and the Royal family abroad again to spend their days in exile, without hopes of a return. If the Treasurer's speech surprised the Lords, who perceived the design of it, their astonishment was increased when they saw the Chancellor, a leading member of the "Cabal," declare so openly against the King. It is said the Duke of York, while Shaftesbury was speaking, whispered to the King "What a rogue you have for a Lord Chancellor!" and that the King replied, "What a fool have you for a Lord Treasurer!"—*History of England.*

CHAP. II.

cordingly brought into the House of Commons, when it passed with little opposition. In the House of Lords, however, it was opposed with great vigour by those at whom it was principally aimed. It was obvious that there could be no more direct mode of getting rid of Clifford than by this measure, which provided that no person should hold any office, civil or military, who did not take the oath of allegiance and supremacy; receive the Sacrament according to the Church of England; and renounce the doctrine of Transubstantiation. Notwithstanding the opposition of a powerful minority, the bill passed the House of Lords, and Lord Clifford resigned his office on the nineteenth of June 1673.

The Test act brought in and passed.

Clifford had contracted an affection for Roman Catholic doctrine while on the continent, but had only recently publicly professed it. It had, however, been as well known as though he had daily frequented the mass;* and the fury of Shaftesbury in promoting the Test Act, and the strange conduct of Arlington in voting for it, are equally attributable to their desire to force Clifford to abandon office.

Fall of Clifford.

The necessity for his resignation fell on Clifford as a thunderbolt. He had not contemplated any such event, but on the contrary was, as we have seen, projecting a long tenure of office, when he should have rendered Charles independent of Parliaments, and should have become the minister of a despotic Crown. His proud and impetuous temper chafed at his defeat, and the disturbance of his mind began to act upon his health. The following account is given by Evelyn, "I went to Tunbridge Wells to visit my Lord Clifford, late Lord Treasurer, who was there to divert his mind more than his body; it was believed that he had so engaged himself to the Duke, that rather than take the Test, without which he was not capable of holding any office, he would resign that great and honourable station. This, I am confident grieved him to the heart, and at last broke it; for, though he carried

His depression on his fall

* "Dined at My Lord Treasurer's, (Sir Thomas Clifford) with the Earls of Arlington and Carrington, Lord Arundel, of Wardour, Lord Almoner to the Queen, a French Count, and two Abbots, with several more of French Nobility, and now by something I had lately observed of My Lord Treasurer's conversation, I suspected him a little warping to Rome."—*Evelyn's Diary, II* 58.

with him music and people, to divert him, and when I came to see him; lodged me in his own apartment, and would not let me go from him, I found he was struggling in his own mind, and being of a rough and ambitious nature, he could not long brook the necessity he had brought on himself, of submission to this conjuncture. Besides, he saw the Dutch War, which was made much by his advice, as well as the shutting up of the Exchequer, being unprosperous. These things his high spirit could not support."*

The indignation and chagrin which at first tore the mind of the fallen minister, gradually settled into apathy and despair, and being of a highly superstitious disposition, he not a little enhanced his mental unhappiness, by dwelling on the prophecy of an astrologer, that after his greatness he should have a melancholy end. †

His belief in the prophecy of an astrologer.

He remained some time in Tunbridge Wells, fed by the vain hope that he would be recalled, or that the power of the Duke of York, would in some way alter the tide in favour of the Roman Catholics. The accession to power, however, of a new Lord Treasurer, put an end to his hopes, and he determined to retire into Devonshire.‡

* Evelyn's Diary, II. 84.

† "This leads me to call to mind what my Lord Chancellor Shaftesbury affirmed, not to me only, but to all my brethren, the Council of Foreign Plantations, when, not long after this accident, (i. e. the death of Clifford,) being mentioned as we were one day sitting in Council, his Lordship told us this remarkable passage, that being one day discoursing with him when he was only Sir Thomas Clifford, speaking of men's advancement to great changes in the nation, "Well," says he, "my Lord, I shall be one of the greatest men in England. Don't impute what I say either to fancy or vanity; I am certain that I shall be a mighty man, but it will not last long; I shall not hold it, but die a bloody death." "What," says my Lord, "Your horoscope tells you so?" "No matter for that, it will be as I tell you." "Well," says my Lord Chancellor Shaftesbury, "if I were of that opinion, I either would not be a great man, but decline preferment, and prevent my danger." Ibid 87.

‡ "My Lord Clifford being about this time returned from Tunbridge, and preparing for Devonshire, I went to take my leave of him at Wallingford House. He was packing up pictures, most of which were of hunting wild beasts, and vast pieces of bull-baiting, bear-baiting, &c. I found him in his study, and restored to him several papers of state, and others of importance, which he had furnished me with on engaging me to write the History of the Holland War, with other private letters of his acknowledgment, to my Lord Arlington, who, from a private gentleman of a very noble family, but inconsiderable fortune had advanced him from almost nothing."—*Evelyn's Diary.*

CHAP. II.

On his return through town his health and spirits had so given way that his approaching death was plainly to be anticipated. Shortly afterward the anticipation was fulfilled. He died at his seat at Ugbrooke, three months after his resignation, at the early age of forty-four. It was given out at the time that he had died of the stone, but Evelyn believed that he had committed suicide.

Death of Clifford.

"Taking leave of my Lord Clifford, "he says, "he wrung me by the hand, and looking earnestly on me bid me 'God bye,' adding, Mr. E. I shall never see thee more." "No!," said I, "my Lord, what's the meaning of this? I hope I shall see you often, and as great a person again." "No, Mr. E., do not expect it, I will never see this place, this city, or court again." or words of this sound. In this manner, not without almost mutual tears, I parted from him, nor was it long after, but the news was that he was dead, and I have heard from some one, who I believe knew, he made himself away after an extraordinary melancholy. This is not confidently affirmed, but a servant who lived in the house, and afterwards with Sir Robert Clayton, Lord Mayor, did, as well as others, repeat it; and when I hinted some such thing to Mr. Prideaux, one of his trustees, he was not willing to enter into that discourse.

Supposed to be by his own hand.

"It was reported with these particulars that, causing his servant to leave him unusually one morning, locking himself in, he strangled himself with his cravat upon the bed-tester; his servant, not liking the manner of dismissing him and looking through the keyhole, (as I remember,) and seeing his master hanging, broke in before he was quite dead, and taking him down, vomiting a great deal of blood; he was heard to utter these words, "Well, let men say what they will, there is a God, a just God above," after which he spoke no more. This, if true, is dismal. Really, he was the chief occasion of the Dutch war, and of all that blood which was lost at Bergen, in attacking the Smyrna fleet, and that whole quarrel."

Clifford was buried at Ugbrooke, in the vault of the chapel he had founded, and was succeeded by George, his eldest surviving son, his eldest having died at Florence, some years

before. He had been once married to Elizabeth, daughter and co-heir of Sir William Martin, of Lindridge, in Devonshire, by whom he had fifteen children.

His character.

Clifford had scarcely any of the qualities of a statesman. His boldness would have been better described as rashness, and his measures, however unprincipled, did not even answer their avowed object—the compassing of the mere purposes of the passing hour.

THOMAS OSBORNE, EARL OF DANBY AND DUKE OF LEEDS.

IN OFFICE 1673, TO 1678, AND 1690, TO 1699.

CHAPTER I.

FROM THE BIRTH OF DANBY, TO HIS ACCESSION TO OFFICE.

Declaration of the Duke of York's religion. Evelyn's account of Clifford's Conversion. Sir Thomas Osborne recommended to the King. Origin of his family. His birth. His early association. He passes his youth in France. Is returned to Parliament at the Restoration. His Marriage. Takes the patriotic side. Adheres to to the Duke of Buckingham. Joins the enemies of Clarendon. Assists in Clarendon's impeachment. And offers evidence. Makes advances to the King. Becomes Treasurer of the Navy. And a Member of the Commission of Accounts. Supports the Test Act. Is appointed Lord High Treasurer. Speech of Shaftesbury on his appointment.

CHAP. I.

THE passing of the Test act answered none of the remote purposes of its authors. It had, no doubt, the immediate effect of expelling from office the Duke of York and the Lord Treasurer Clifford, but Arlington and Shaftesbury were astonished to find themselves exactly in their former positions.

Declaration of the Duke of York's religion.

One thing the act had ascertained—that the Duke of York and Lord Clifford were both Roman Catholics; for up to this time their religion had been more a matter of strong suspicion than of positive certainty. Clifford's religion indeed seemed much more to depend on his supposed gratitude and attach-

CHAP. I.

ment to the Duke, than on any very strong regard for the Roman Catholic Church, and, that tie removed, it was not improbable that he would have accepted the test rather than resign his staff.* Arlington though a negociator of the secret treaty had supported the Test Act for Clifford's expulsion, fully expecting that the Treasurer's staff would be transferred to himself. The outgoing Minister, however, and his patron the Duke who was also reigning his office of Lord High Admiral, had suggested to the King, by an etiquette which seems still to prevail, to send for Sir Thomas Osborne—a man of whose appointment, the opponents of Clifford had never dreamt, and whom the late Treasurer recommended for the "capacity and diligence he had shown in executing the office of Treasurer of the Navy."†

Sir Thomas Osborne recommended to the King.

Origin of his family.

The family of Osborne which was ennobled in the new Lord Treasurer had been founded by his great-grandfather so recently as the reign of Elizabeth. This Osborne was apprentice to Sir William Hewitt an eminent merchant who resided on London-bridge, and the tradition runs that his only Child a daughter, being dropped from a window into the Thames by the negligence of a nurse, young Osborne plunged into the stream and rescued her—an act of courage which according to the laws of romance was rewarded when she grew up by her hand and fortune. Osborne became a Knight, Member for the City, Sheriff and finally Lord Mayor of London. Like most of the great families of city origin the Osbornes became attached to the party of the Court, and in the Civil War, Sir Edward Osborne the father of the Lord Treasurer was an adherent of the Royal Cause and a supporter of Strafford's policy of "Thorough" in the North.

Evelyn's account of Clifford's Conversion

* "23 July 1673.—Congratulated the new Lord Treasurer Sir Thomas Osborne, a gentleman with whom I had been intimately acquainted at Paris, and who was every day at my father-in-law's house and table there, on which account, I was too confident of succeeding in his favour, as I had done in his predecessor's, but such a friend shall I never find, and I neglected my time far from believing that my Lord Clifford would have so rashly laid down his Staff, as he did, to the amazement of all the World when it came to the test of his receiving the Communion, *which I am confident he forbore more from some promise he had entered into to gratify the Duke than from any prejudice to the Protestant religion;* though I found him wavering a pretty while." *Evelyn.*

† Clark's Memoirs of James II, I. 484.

CHAP. I.

The wife of this Sir Edward was the daughter of a gentleman named Walmesley of Dunkealgh in Lancashire, her mother being of the Nevilles Lords Latimer, of which family she herself became heiress.

His birth.

Sir Thomas Osborne who is better known by his title of Earl of Danby than by his family name, or by his rank as Duke of Leeds, was born in 1631, and consequently grew up amidst the troubles of the reign of Charles I. Danby passing his boyhood and youth amongst the high Court party, was imbued with the opinions of that body and looked upon the reign of Prerogative, and the enjoyment of monopolies, as likely never to decay. By this party the discontent of the people, the emigration of the Puritans and the increasing murmurs of the Middle Classes were despised. Like all factions in the actual enjoyment of power they read history from one point of view; and instead of inquiring how many ill-constituted commonwealths had fallen, they inquired how many despotisms had been enabled to survive.*

His early associations.

Danby was eighteen years of age at the death of Charles I

* Of the feeling during the long suspension of parliament before the breaking out of the quarrel between the Commons and the Crown, May, allowing for his prejudices, gives a very fair account. "The serious and just men of England, who were no way interested in the emolument of these oppressions could not but entertain sad passages of what mischief must needs follow so great an injustice, that things carried so far on in a wrong way, must either enslave themselves or their property for ever, or require a vindication so sharp and smarting, as that the nation would groan under it. Another sort of men, and especially Lords and gentlemen, by whom the pressures of the government were not much felt, who enjoyed their own plentiful fortunes, with little or insensible detriment, looking no farther than their present safety and property, and the yet undisturbed peace of the nation, whilst other nations were embroiled in calamities, and Germany sadly wasted by a sharp war, did nothing but applaud the happiness of England, and called them ungrateful and factious spirits who complained of the breach of laws and liberties. The kingdom, they said, abounded with wealth, plenty, and elegancies, more than ever, that it was for the honour of a people that the monarch should live splendidly, and not be curbed at all in his prerogative, which would bring him into greater esteem with other princes, and more enable him to prevail in treaties. That what they suffered by monopolies was insensible, and not grievous, if compared with other states. That the Duke of Tuscany sat heavier upon his people in that very kind. That the French King had made himself an absolute Lord, and quite depressed the power of parliaments, which had been there as great as in any kingdom, and yet that France flourished, and the gentry lived well. That the Austrian Princes, especially in Spain, laid heavy burdens on their subjects. The courtiers would begin to dispute against parliaments in their ordinary discourse, and hoped the King should never need any more parliaments. Some of the greatest statesmen and privy councillors would ordinarily laugh at the ancient language of England, when the word *liberty* of the subject was named."

CHAP. I.

and seems to have either then been on the Continent or to have gone immediately afterwards. We are told in the life of Sir William Temple that he and the future minister were "young travellers and tennis players together in France" and though there are very meagre materials for concluding anything about the early part of Danby's life, we may assume that his later education had been received at Paris. Evelyn writing in that city under date of the 15th of October, 1651, says :—

He passes his youth in France.

"Sir Thomas Osborne (afterwards Lord Treasurer) and Lord Stanhope shot for a wager of five Louis, to be spent on a treat; they shot so exact that it was a drawn match."*

Paris was now the centre of the English Royalists and much of Cromwell's attention was directed to it. It does not appear however that Danby's exile was compulsory, for Evelyn notes his departure for England in the end of the following extract dated the 6th. of November 1651.

"Sir Thomas Osborne supping with us, his groom was set upon in the streets before our house, and received two wounds, but gave the assassin nine, who was carried off to the Charite Hospital. Sir Thomas went for England on the 8th and carried divers letters for me to my friends."†

The Life of Danby like that of most other young men of his party passed inactively till the time of the Restoration very soon after which he adopted a public career. He was elected for the city of York to the parliament, which met in May 1661 and in the consideration of the mode of settling the revenue of the Crown was amongst the most enthusiastic of those who wished to make the King wealthy and therefore absolute. This scheme, of which Danby and the "high cavaliers" were the supporters, was thwarted by the patriotism of Clarendon, and that dependence of the Crown upon the House of Commons for supplies, which was then happily established, has been the chief cause of the preservation of the balance of power in the English Constitution.

Is returned to parliament at the Restoration

During the exile of Charles II, Danby had married the

* Evelyn's Diary I. 262.

† Ibid.

CHAP. I.

Lady Bridget, second daughter of Montague Bertie the second Earl of Lindesay—the lord who had shown so much attachment to Charles I. throughout the Civil war. This marriage further allied him with the cavalier party with whom he had been brought up, and he found afterwards in opposition considerable support from his wife's relations. Though thus connected by education, family and alliance, with the extreme Tory party, Danby was yet, like a large number of statesmen of the time, frequently found in the ranks of the opponents of the Court. At the parliament at Oxford, in 1665, he appears voting against the bill to compel all persons to declare that the taking up arms against the King or those commissioned by him, was unlawful. A considerable portion of the hereditary Tories opposed this bill, which was defeated by a small minority and an accidental circumstance. Mr. Peregrine Bertie had been on the morning of the division introduced by his brother, and Danby, (then Sir Thomas Osborne) and the votes of the three made 57 to 51, whereas their voting for the bill would have made the numbers equal; and the speaker, of course, would have voted for the court. John Locke calls this "a very remarkable providence" for no other apparent reason than that probably Bertie and Osborne might not have attended the house, but for the accident of Mr. Peregrine Bertie being about to take his seat.

His Marriage.

Opposes the Nonresistance Bill.

Danby had attached himself to the Duke of Buckingham, and the party who opposed in Court and Parliament, the Clarendon Administration. Clarendon, as might be expected, speaks hardly of Danby who opposed him with as much virrulence in the Commons as Buckingham in the Lords. According to his account he had told many people in the country before the meeting of parliament, that Clarendon would be impeached, and if he was not hanged he would be content to be hanged himself. According to the same authority he was active privately in advancing the impeachment, and when one Wren, secretary to the Duke of Buckingham, had reported, that the King declared, that Clarendon had not advised him to govern by an army, and intended to protect his minister, Danby went to the King and induced him to deny the statement which Wren had made.

Joins Buckingham against Clarendon.

CHAP. I.

In the impeachment of Clarendon, which followed, and which displays a scene of gross factiousness and injustice, Danby was an active supporter of Seymour. He divided with the prosecution against the most reasonable proposals; and was one of the most vigorous in denouncing the resolution of the House of Lords, by which they refused to commit one of their number on unspecified charges. Here again he acted as accuser and witness, if, indeed, his statement as to the sale of Dunkirk can be called evidence. Sir Thomas Osborne, according to the report, said, "*A great lord told me* that the Earl of Clarendon had made a bargain for Dunkirk three quarters of a year before it was known." We have no report to be relied upon of the speeches of the time, but the meagre record gives sufficient evidence of the eagerness of Danby. At an early stage of the proceedings he held out an intimation that he had a great deal to communicate, stating that "the house ought to have something to induce their belief, which they have had from several members, and he knew how some would be made good." And on the charge of arbitrary government of the plantations he said, "one Farmer and others came from Barbadoes to complain of it, and lodged their petition in this house, but were imprisoned that they might not be heard."

Takes part in Clarendon's impeachment.

Of the speeches which he delivered against Clarendon, we have only the most meagre notes preserved but those show both declamation and sarcasm.* Danby lived to complain of the injustice of impeachments.

He had been busy in the undermining of Clarendon's influence for several years, and had made way according to Burnet, in the King's good graces, by assuring Charles that he had intended, at the Revolution, to render him absolute. This is one of those assertions of the bishop which from their

Takes office at the Navy Board.

* "The king ready to change his religion—no money remaining!—no person in employment but who can buy it—We are upon our last legs—No one man ever had more employment—Threaten any man that gave advice—no vessel to swim without his hand at the rudder—no money issued out of the Treasury without his approbation—Sir William Coventry brought order out of the Chancellor's closet when the king was with him—If any other men had the thoughts they had not the power—He has no pique against him but is one of the 400 of the House of Commons, thought by the Chancellor useless and inconsiderable."—*Parliamentary History*, IV., 382.

very nature must be conjectural, and about which contemporary evidence loses its weight altogether. It is true that the early career of Danby did not shew much consistency. It is not alone in mistaken systems of theology that the means are supposed to justify the end. Thus Danby who was to make himself remarkable as the opponent of French aggression accepted office as treasurer of the navy at the time at which the Triple Alliance was so shamefully broken; and identified himself with the worst period of the Cabal. When Charles, driven to one of the usual shifts of despotism, appointed a committee to investigate the public accounts in 1667, Danby was one of the Commissioners. It ended, however, as it was intended to end, with no advantageous results. Though he had been appointed to office by the ministry, however, he did not, like modern officials, feel bound to defend all their acts. On the proposal to exercise the dispensing power on behalf of the dissenters, Danby vigorously opposed the declaration of the King which was finally withdrawn.

Votes against the dispensing power.

On the test act Danby who professed to be a leader of the churchmen, voted, as might be supposed, against the Dissenters, and took the same course on the unsuccessful bill for their relief from its operation, His speech it seems, from the fragments which are preserved in the Parliamentary History, went on the ground that the dissenters might return into rebellion and ought not to be encouraged by act of Parliament. On all occasions he supported the absolute tendencies of Charles and rendered good service to the court in many debates. At length Clifford was driven from office by the Test Act, and Danby, on the joint recommendation of the Duke of York and the retiring Minister, appointed to the head of the Treasury. James, in his Memoirs, attributes this recommendation to "the capacity and diligence he had shown in exercising the office of Treasurer of the Navy" but it more likely arose from enmity to Arlington and Shaftesbury, for the course they chose to pursue in relation to the act which excluded Clifford.

Is appointed Lord High Treasurer.

Shaftesbury, according to his manner, made on the occasion of the appointment of Danby, one of those half-mocking speeches in which he was accustomed to indulge. As a

CHAP. I.

specimen of the style of the author, and of the opinions of the time it is worth preserving.*

Speech of Shastesbury on swearing him into office.

* "My Lord Treasurer,

The king, of his grace and favour, has made choice of you to be lord high treasurer of England, as also treasurer of the exchequer, which are two distinct offices. The first you are already possessed of, by the king's delivery of the white staff, and have taken the oath for that office before me in another place. The other his majesty has conferred on you by his letters patent under the great seal, which I am to deliver to your lordship, after you have been sworn into that office in this court, of which by this patent you are made a chief judge.

Kings are as Gods, and bestow honour, riches, and power, where they please; but in this they are as men, that they can only choose, not make a person adequate to their employment; for if their choice be merely favour, not fitness, their omnipotency is quickly seen through. Our great master hath therefore chosen you, as he has had experience of these many years, as a member of this house of commons, which hath been so fruitful a nursery of our English ministers and statesmen. Besides, your lordship was some time since joined with another very able and willing person, in the treasurership of the navy, and after that managed it alone; so that before this you have been trusted with three parts out of five of the revenue of the crown.

My lord, you are in a place the very best that any English subject is capable of; therefore you are in another position, not only to the king our master, but to us all, than you were ever before. He and us have all reasons to look upon you as a man at ease, and that has nothing to wish but the prosperity of his master and the nation, that you may quietly and long enjoy so great a place under so good a master. There is no more to be asked of you in this condition, but that you know your own interests, and that will secure to you the king's and the nation's. I repeat them thus together, because none but mountebanks in state matters can think of them asunder. And, let me say to your lordship, that however happy you have been in arriving to this high station, yet *parta tueri non minor est virtus*. Many great men have proved unfortunate in not observing that the address and means to attain great things are oftentimes very different from those that are necessary to maintain and establish a sure and long possession of them.

My Lord, it will be no civility to you to hold you longer; the visit you are to make to the several offices of the exchequer will take you up the rest of this morning. I shall only add my good wishes, that your lordship may long enjoy the honour of this great employment, and his majesty the satisfaction of his choice." *Martyn and Birch's Life of Shaftesbury.*

CHAPTER II.

FROM HIS ACCESSION TO OFFICE, TO THE POPISH PLOT.

Sir John Reresby's account. State of the Public Finances. Danby's summary of public affairs. Peace with the Dutch. His Payment of the Navy. And the Household. And the creditors of the Exchequer. Danby's aversion to Foreign politics. State of Foreign Affairs. First session of Danby's Ministry. Dismissal of Shaftesbury. Danby's ignorance of the "Secret Treaty." Impeachment of Lauderdale, Buckingham and Bennett. The Anti-Popish Agitations. Peace with Holland. Position of Danby. Attempts to relieve the Dissenters. Favours the old Cavaliers. King's speech in favour of the Church. Coldness of the Parliament. Growing hostility to Danby. Activity of William, Lord Russell. Impeaches Danby. Charge of disparaging Acts of Parliament. Charge of altering the course of the Exchequer. Danby's reply. Charge relating to the Marriage of his son. Is defended by Opposition leaders. Accusation of Bribery.

CHAP. II.

DANBY entered upon office under circumstances most unfavourable to his character and success. Even the manner of his appointment, as it made Shaftesbury and Arlington his determined enemies, gave rise to false rumours that he was the creature of the Duke of York.

Sir John Reresby's account.

"Now," says Sir John Reresby, "it was that my neighbour Sir Thomas Osborne rose to the great office of High Treasurer of England, My Lord Clifford resigning his staff and confessing himself a Papist, the Duke of Buckingham was chiefly instrumental in bringing this about, for Sir Thomas, by a bargain he made between Lord Clifford and him, namely, that Sir Thomas should officiate and give him half the salary, and afterwards prevailing on the king to confer the staff on Sir Thomas then created Lord Viscount Dunblain, though afterwards Earl of Danby, and had a patent passing for Marquis just as he fell into disgrace."*

* Sir John Reresby's Memoirs, p. 21.

CHAP. II.

State of the public finances.

The state of the finances of the Kingdom was deplorable and the national credit destroyed, while the Dutch war, begun so dishonestly and imprudently, had been carried on neither with glory nor advantage. Danby in the defence of himself which he published in 1711 gives a full account of the state of the public resources when he was suddenly called upon to administer them. The narrative, while it gives a graphic picture of the public mismanagement, however, must be taken with the previous knowledge that Danby was writing in his own defence. Yet there is, on the whole, every reason to believe that the statements are sufficiently accurate. He addresses it as a letter to "a member of parliament"—and it seems strange, in these times of newspapers, to read in the preface, that if his correspondent "had been in the last parliament, he would have known more of the Earl of Danby."

Danby's summary of public affairs.

"The said Earl," says the account, "after a faithful Discharge of his Trust as *Treasurer* of the *Navy*; both to the Satisfaction of his Majesty, and to the great Content of the Seamen, about *Midsummer* 1673, had the Honour conferred upon him of *Lord High Treasurer* of *England*; which he managed with so great Prudence and Success, that contrary to all Men's Expectations, but especially of his Enemies (who assured themselves of his immediate Ruin by that Preferment,) he supported for near six Years that Condition of his Master, which it was not then thought could have been made to subsist so many Months, and without any Supplies or Burdens laid upon the People in all that Time: Whereas it is well known, that no Year passed before his Administration in the Treasury, that did not cost the People Five, Ten, or Twelve Hundred Thousand Pounds, and sometimes double those Sums."

"It was not without great Reason that this Lord's Ill-Willers did then assure themselves of his Downfal; because of the improbability of his performing those great Works, which were at that time upon his Hand, with so small a Stock as was then left him to work withal: And the Confidence they might reasonably give themselves that he could have no Relief by Credit, which had newly received the most Fatal Blow that was ever given to it in any Kingdom."

"Soon after that time a Peace was concluded with the *Dutch*, after a long and chargeable War, and the greatest Fleet that ever yet this Kingdom had was then to be paid off; as also an Army which had been raised for the said War; which together amounted to about Eight hundred Thousand Pounds to discharge both, as will appear by those Accompts; and there remained for that Use not much above Four hundred Thousand Pounds, of the last Twelve hundred Thousand which had been given to His Majesty by Act of Parliament about a Year before this Lord's Entrance to the Treasury; and that Remainder was upon the Fourth, Fifth and Six Quarters of that Tax, which were then to come, and consequently of no Use for present Payments of the said Fleet and Army, but only as Money could be borrowed after such a Breach of Credit as aforesaid."

Peace with the Dutch.

"Notwithstanding all which Difficulties, and the Endeavours of some Envious Men to make that ill Time of Credit yet worse to this *Lord*, He did not only pay off that whole Fleet and Army, but discharged the Seamen of that Fleet with ready Money; which had never been done before but with Tickets, or part Tickets, and part Money. And whereas it had been usual to have Ships lie undischarged two, three, or four Months after the times they should be paid off; it cannot be said, until within a Month or six Weeks before this *Lord's* quitting his Place, that any Ship did lie unpaid a Week after the Books belonging to the said Ship were ready; and then there were not above one Ship or two, which hapned so by an Accident, the Money having been assigned by his Lordship to that Use in due Time."

His payment of the Navy.

"This Lord (until Money was against his Will diverted out of the King's Revenue to the Payment of an Army raised by the Parliament) did not only provide for the Necessary, and Publick Expences of the Kingdom in his own time; but did discharge the *Yards*, which were in Arrear at the time of his receiving the Staff, to the Sum of Ninety five thousand Pounds and upwards. He did the same to *Tangier*, to the Sum of Forty three thousand Pounds and upwards; and in old Tickets, and to sick and wounded Men, to the Sum of Ninety three thousand Pounds and upwards, all incurr'd

And the Household.

CHAP. II.

before his Lordship's time. Many great Arrears of the Houshold were also discharged by this Lord, to the Sum of Seventy nine thousand Pounds, or thereabouts. And altho' there was a Suspension for part of the Houshold for one Year in his time; yet notwithstanding the great Necessity of the Crown, that also was satisfied by his *Lordship*, long before his leaving his Employment."

And the creditors of the Exchequer.

"By this Lord's Care a Satisfaction was given to many starving Orphans and Creditors, who had been put in that Condition by the stop of the Exchequer, to the Sum of Twelve hundred thousand Pounds, or thereabouts; and this he did at a time when the Crown was not only in want, but when the Parliament had never contributed one Farthing towards it; whereas those People had been deprived and robbed of their Estates and Livelihoods, lent to his Majesty, in times when the Exchequer had been as much fill'd with Superfluity of Aids from Parliament, as it was deprived of necessary Supplies in this Lord's time."

"Besides these Expences at Home, there happened in this Lord's time almost a constant War with *Algiers* (from whence also this Lord did once make a total Redemption of our *English* Slaves), and a Rebellion in *Virginia*; which was both very chargeable in the Expence of it, and hath been a great Abatement in that considerable part of the Customs which is brought in by Tobacco from those Parts: Insomuch, that whatever is said of this Lord's not having employed the Treasure to Publick Uses, must certainly proceed either from great Malice, or want of due Information: As truly I believe it doth with most Men."

Such was Danby's history of the state of public affairs at home on his accession to office; nor were foreign relations in a much more encouraging position. The Lord Treasurer, at that time, was not looked upon as he afterwards came to be, as the Prime Minister of the Crown in all matters, and Danby in his defence, quoted above, says, speaking in the third person, "I know that many besides myself have often heard his Lordship complain of it as an infinite Misfortune to him, that His Majesty did take him so much from the Business of the Treasury; whereby he was neither able to

Danby's aversion to foreign politics.

make those Improvements, which otherwise he could have done in His Majesty's Revenues; nor could he give those Dispatches which were necessary for his Service; insomuch, that I know it was with all the Regret imaginable to himself, that he was employed in any other Business, but that of his Office as Treasurer."

"In the next Place, I know how unwillingly he entred into any of the Foreign Transactions; having always shewed himself averse to those Councils, wherein he found His Majesty engaged at his Entrance; *viz.* The Tripple League broken, which I have often heard this Lord say (and am confident he ever affirmed in all Places) was a Bulwark both to this Nation, and all *Christendom*, and that the Breach of it would be fatal to us."

"A War with the *Dutch*, made upon the Foundations of a Stop of the Exchequer at Home, and an Endeavour to have seized the *Dutch Smyrna* Fleet, before a War was declared."

State of foreign affairs.

"A League with *France*, by which they were to have the Opportunity of sending a Fleet to learn Conduct at Sea from us, (of which they were in a great measure then ignorant) and to know both our Channel and our Ports."

"An Army of *English* then in *France*, (to the infinite Prejudice of the Confederates upon several Occasions) against all which this Lord's greatest Enemies cannot say but he always declared himself; and no Man that was least concerned with the Court, could more publickly inveigh than this Lord did at that time, and ever since, against the persidious Behaviour of the *French* Fleet in that Battel where Prince *Rupert* commanded; for which I have often heard him complain of their Treachery, and say, that we deserved it for trusting them."

In this condition of public affairs at home and abroad, Danby assumed the reins of government, but with a very limited power of action. Buckingham and Arlington were still in the confidence of the King The wrath of the Commons had not yet broken out against them, and Charles was himself given to crooked councils which he did not communicate to his minister. The first parliament of Danby's ministry was the eleventh session of the Long Parliament of Charles II.

First session of Danby's ministry.

CHAP. II.

which took place on the 27th. of October 1673. The King's speech bore marks of returning wisdom. In accordance with Danby's intention he recommended from the throne that they should take into consideration "the debt he owed the goldsmiths, in which many other of his good subjects were involved." Shaftesbury as Chancellor followed in a speech of great fluency and violence, but chiefly dwelling on the unpopular topic of war with the Dutch—a war against which the parliament were already determined.

The avowal of the Duke of York's religion and the supposed consequent danger of a nearer alliance with France, caused the House of Commons to resolve against granting any more supplies, "unless it should appear that the obstinacy of the Dutch should make it necessary," and thus Danby was left without resources in that quarter. The events of Clifford's Ministry had roused the jealousy of the House of Commons. They attacked Popery and "Popish Councillors" with great vigour, and they presented an address to the king urging him to prevent his brother's marriage with the Princess of Modena; the debate regarding this marriage had risen to an ominous height, when Charles suddenly prorogued the Parliament. Whether Danby advised this prorogation or not, it is now impossible to determine; but it is likely that no Prime Minister would wish to plunge into a contest with a hostile Parliament while the council was still attended by such "false brethren" as Buckingham and Shaftesbury. The conduct of the latter had now indeed, become of such a character that he could not be continued in the service of the King. He appears to have foreseen his fall and determined to turn it to advantage in the character of patriot, which he was about to assume. Accordingly on his dismissal he went into violent opposition, and led the attacks upon his former colleagues.

Dismissal of Shaftesbury.

Parliament again assembled in January 1674, and, though the temper of the speeches of the King, and Lord Keeper North, shows that a peace with Holland was in contemplation, yet Danby was still kept in ignorance of Charles's real relations with France. The Secret Treaty had been so publicly talked of that Charles was compelled publicly to deny it.

Danby's ignorance of the "Secret Treaty."

CHAP. II.

"I know" he says "you have heard much of my alliance with France, and I believe it hath been very strangely misrepresented to you *as if there were certain secret articles of* dangerous consequence; but I will make no difficulty of letting the treaties, and all the articles of them, without any the least reserve, to be seen by a small committee of both houses, who may report to you the true scope of them; and I assure you, there is no other treaty with France, either before or since, not already printed, which shall not be made known." In addition to this the Commons were assured of the prompt prosecution of all recusants. They were not, however, to be so easily silenced. Shaftesbury, who had defended the shutting up of the Exchequer, and eulogized the attempted piracy upon the Smyrna Fleet, had turned flaming patriot, and instigated the impeachment of Lauderdale, Buckingham, and Bennett; the Houses acquitted Arlington but not Buckingham nor Lauderdale. Buckingham's submission at their bar was marked by his usual want of courage and of truth; and Lauderdale's crimes in Scotland were beyond the power of palliation. Parliament, therefore, addressed the Crown to order the removal of both the Dukes. In the House of Lords, the measures called "Expedients," were introduced, proposing, but without effect, that the Royal Family should only marry Protestants, and their children be brought up in the Church of England. They were intended, as their name imports, as an expedient to prevent the pressing of the Bill of Exclusion, but they failed of that effect. The "no popery" cry was too valuable to Shaftesbury; and Danby's effort to get over the great difficulty by a compromise was therefore vain. Even while in office, Shaftesbury had exhibited his affection for the Protestant religion by personal insolence to the Duke of York,* and he was now commencing an agitation

Denial by Charles.

Impeachment of Lauderdale Buckingham, and Bennett.

The Anti-Popish agitations.

* Some years afterwards, upon the Queen's apparent barrenness, the Duke of York being looked on as the certain successor to the crown and his power increasing at Court, he took the chair on the right-hand of the throne. Lord Chancellor Shaftesbury the first day he sat as speaker, resolved to replace the Duke in his proper seat. He informed him that he was in the wrong chair, and that his place was on the other side of the throne as only heir presumptive,—the Duke being unwilling to quit his seat, Lord Shaftesbury told him that he could not proceed upon business till the house was in form. At length the Duke was obliged to submit, but said in a passion, "My Lord you are a rascal and a villain." He with great composure, immediately replied, "I am much obliged to your royal Highness for not calling me a coward and a papist."—*Martyn's Life of Shaftesbury.*

CHAP. II.

which raged with a violence never before or since witnessed in England. Notwithstanding the efforts of the opposition, however, Danby obtained much popularity by concluding a peace with the Dutch. This peace was concluded in February 1674 and parliament was immediately prorogued. Danby now applied himself with vigour to the reform of the public finances, and there is no reason to doubt that he succeeded to the extent he claims, in the extract from his memoirs already quoted. To give any relief to the plundered creditors of the Exchequer and to pay arrears of army, fleet, and household, at a time when parliament refused supplies and Clifford had destroyed the national credit, constituted a task so wonderful that it is ever to be regretted that we have no record of the means by which it was accomplished. This period is undoubtedly the brightest in the career of Danby. Shaftesbury was opposing him with the eagerness of hope, and Buckingham with the bitterness of humiliation and revenge. The king was deceiving him in the closet, and Arlington was deceiving him at the Council. The House of Lords, in reality or affectation, were galling him with a cry of Popery. The House of Commons were leagued against him by the bribes of France, and the People, small as was their power, attributed to him with more truth, the oppression of Dissenters. Temple, the only person whom he could trust, was a man of routine and theory, totally devoid of administrative power; and his diplomatic services were of little avail, when Charles regularly apologized for the best of them to the Ambassador of France. Yet, in the midst of this conjunction of opposing influences, Danby had time to raise the revenue and reduce the expenditure, to accomplish a desirable peace, and to attempt the still vexed problem of a reconciliation between the Church and the Dissenters. With respect to the latter project we have the testimony of Richard Baxter. "During this twelfth session," he says, "The earl of Orrery desired me to draw him up in brief, the terms and means which I thought would satisfy the non-conformists so far as to unite us all against popery; professing that he met with many great men that were much for it, and particularly the new lord-treasurer, Sir Thomas Osborne, and Dr. Morley,

Peace with Holland.

Position of Danby,

Attempts to relieve the dissenters.

bishop of Winchester, who vehemently professed his desire of it."* Baxter drew up terms as required, but the effort like all that had preceded it was in vain.†

Up to this period the Cavaliers had been completely forgotten. It is seldom that we are able to find truth in satire; yet the conduct of the King to his father's adherents was not exaggerated in the lines of Rochester.

> "His father's foes he does reward,
> Preferring those who took his head,
> Old Cavaliers—the Crown's best guard
> He lets them starve for want of bread,
> Never was any king endued
> With so much grace and gratitude."

Favours the old Cavaliers.

Andrew Marvel, whose testimony, where a cavalier was concerned, must be taken with qualification, tells us of the Ministers that, "They began therefore, after fifteen years, to remember that there were such a sort of men in England as the old cavalier party; and reckoned, that by how much the more generous, they were more credulous than others, and so more fit to be again abused. These were told that all was at stake, church and state; (how truly said! but meant how falsely!); that the nation was running again into forty-one; that this was the time to refresh their ancient merit and receive the recompence double of all their loyalty, and that henceforward the cavaliers should have the lottery of all the great or small offices in the kingdom, and not so much as Sir Joseph Williamson to have a share in it."‡ The movement in favour

* *Reliquiae Baxterianae, by Sylvester.*

† Growth of Popery. 1. 509.

‡ The Right Honourable T. P. Courtenay thus sums up this attempt at negotiation—"Among the demands made on the part of the nonconformists, some were such as no established church could reasonably be expected to admit. For the principle of the scheme was, to leave the liturgy, sacraments, and other ordinances, generally established and in force, but to allow of a great latitude in omission, alteration, or non-conformity; and this not only in private houses, but in the parish churches."

"On the other hand, the terms offered by Baxter, as well in respect of religious doctrine as of political allegiance, were in some particulars extremely liberal: he proposed that all ecclesiastical ministers, and school-masters, should "subscribe the doctrine and sacrament of the church of England, as expressed in the thirty-nine articles, according to the 13th of

CHAP. II.

of the cavalier party, however, was not of much importance and its only outward sign was the erection of the statue of Charles I. at Charing Cross—an act which little conciliated the Cavaliers, and drew down the sneers of the opposite party.*

King's speech in favour of the church.

The Parliament again met after repeated prorogations, on the 13th of April, 1675, and Danby put into the mouth of the King very strong protestations of his attachment to the Church of England. Guildford,—who had got the great seal, after suffering such agonies, in the terror of losing it, as such a place-hunter could only feel, and his brother Roger North, could only have been silly enough to record ;— delivered the usual speech after that of the King. "His Majesty," he said, "hath considered religion again, more especially as it is the protestant religion established by law in the Church of England; he sees that as such, it is not only the best suited to the monarchy, and most likely to defend it, but most able to defend itself against the enemies of all reformation; and therefore upon this account it is, that His Majesty, with equal and impartial justice, hath revived all the laws against dissenters and non-conformists, but not with equal severity; for the laws against the papists are edged, and the execution of

queen Elizabeth, and the common subscription approving the doctrine of the homilies;" and moreover a declaration against rebellion and sedition." This declaration so proposed by Baxter was in the following terms—"I. A. B. do hold, that it is not lawful for his majesty's subjects, upon any pretence whatsoever, to take arms against the king, his person or authority, or against any authorised by his legal commission; and that there lieth no obligation on me, or any other of his subjects, from the oath commonly called "the solemn league and covenant," to endeavour any change in the present government of this his majesty's kingdom; nor to endeavour any reformation of church and state by rebellion or other unlawful means."

* "Contemporary writers, indeed, and others who have followed them, have mentioned, and generally in a tone of censure or of sneer, the endeavour of Danby to conciliate and bring forward the old cavaliers, "who had been forgotten since the Restoration." Surely, this is no matter of reproach. Even those who, whether from acuteness or evil-thinking, withheld from Danby the praise of high principle in his attachment to church and king, admit that he was of the cavalier *party*: is he to be blamed for calling staunch cavaliers about him?—and if he gratified those, or the sons of those, who had fought in the cause of Charles I., by setting up his statue, or even by honouring that unfortunate king, whose interment had been little ceremonious, with a magnificent funeral,—was there any thing but an harmless homage, to prepossessions in which he himself participated?"—*Right Honourable T. P. Courtenay.*

them quickened, by new rewards proposed to the informers; those against dissenters are left to that strength which they have already. But these, and all other laws whatsoever, are always understood to be subject to the pleasure of a Parliament, which may alter, amend, or explain them, as they see cause, and according to public convenience."

Position of Danby.

Danby was indeed in a position of great difficulty. He wished, as Baxter tells us, to have the dissenters included, and he wished to maintain the supremacy of the Church. On one side were the Bishops, on the other his friend the Duke of York. Burnet, who has no mercy for a churchman, represents him as playing false to all parties, but the suggestion is one of those which makes the Bishop's book more valuable for its gossip than its reflection. "The building of St. Paul's in London," he says, "was now set on foot with great zeal. Morley and some of the Bishops were sent for, and the new ministry settled a scheme with them, by which it was offered to crush all the dssigns of popery. The ministers expressed a great zeal in this, and openly accused all the former ministers for neglecting it so long. But, to excuse this to the Duke, they told him it was a great misfortune that the church party and the dissenters were now run into one; that the church party must have some content given them." By the word ministers may be meant, either Arlington or Danby, and no two could have been more different in principle or sincerity.

Coldness of the Parliament.

Parliament received the professions of the Court with much coldness. They did not believe in the sincerity of the protestantism of Charles, and they, not without good apparent reason, attributed to Danby a coincidence in the King's deceit. It was clear from the conduct of the opposition leaders, that the object of their tactics was not so much the advancement of the Church, as the overthrow of the Lord Treasurer, and the destruction of the influence of the Duke of York at Court. They, therefore, as the ministers grew hot in their protestantism, waxed cold in theirs. Coleman tells us that "the ministers having turned their faces, the Parliament would do so too, and still be against them; and be as little for persecution now, as they were for popery before." *

* Parliamentary History, IV. lxxxvii.

CHAP. II.

This, which was only in the usual policy of faction, gave notice of the gathering storm that shortly afterwards prematurely burst. Those who subsequently became known as the party of the whigs, were full of traditions of the impeachments in the reign of Charles I, but they had neither the great leaders in the Commons, nor the great ministers about the throne, that had existed forty years before; nor had they, like Pym and Hampden, a great body of the people at their back. Their impeachments, therefore, were far from the terrible weapons that the long Parliament had wielded, and generally ended, like that of Clarendon by Bristol, without any other effect than strengthening the minister. The personal manners of Danby would seem to have something to do with the dislike in which by many he was held, for, assuredly, there was at this period no real ground for impeachment against him.*

Growing hostility to Danby.

In this impeachment, is the first important parliamentary appearance of a character, about whom, from the political circumstances in which he lived, a lively controversy is still existing amongst politicians—William Lord Russell, unfortunate both in his life and in his death. This young nobleman, on account of whose supposed attachment to the Protestant religion, and civil liberty, one great party in the state is said *poeticé* to "swear by him still," appears strangely enough as the originator of an impeachment against Danby, at the moment that the minister had most publicly avowed his hostility to Popery, and most effectually exhibited his enmity to France. The charges, however, did not relate to religion or to foreign politics. They were chiefly confined to accusations relating to the management of the Exchequer; allegations of conversations exhibiting a desire for despotism; and a ridiculous story as to the marriage of his son.

Activity of William, Lord Russel.

Lord Russell, in his opening, declared, "All we, (the Parliament,) give is too little when the Treasury is managed to set up private men and their heirs. The Earl of Danby has

* "After the Commons had gone so far against the Scotch favourite, they began to think of the English one, the Lord Treasurer Danby, who had carried many things with a high hand, and an overruling genius, so that he proved a fit mark to be singled out by emulation and detraction." Echard. III. 378.

acted in it in a high and arbitrary manner, and disposed of the treasure as he pleased; and has publicly declared at the treasury, that a new proclamation is better than an old law."

This latter, according to the articles of the impeachment, was something more than an *obiter dictum*; for it would appear from the article, that Danby had positively acted upon such an opinion, in the case of an alien, whose deportation was discussed before the council. The article alleges "that on December 4th, 1674, at the hearing of a cause in the Treasury Chamber, some acts of Parliamant now in being, were urged against a proclamation, and contrary to what his Lordship aimed at; whereupon, the Earl, in contempt of the law, uttered this arbitrary expression, 'That a new Proclamation is better than an old Act.' Upon his Lordship's report to the Privy Council, the person in question, being a foreigner, and not obeying such Proclamation, but pursuing his right at law, was banished the kingdom."

Charge of disparaging Acts of Parliament.

It is probable that the fact here alleged could not be proved, as the house resolved that the article contained no ground for impeachment, though, had it been supported by evidence, it is impossible to conceive either in words or acts, a greater outrage on constitutional law.

The article relating to the management of the Exchequer, was to the effect that, "the Earl had overthrown the ancient course and constitution of the Exchequer, by perverting the method of receipts in payments and accounts, contrary to law, whereby the King's revenue is put into confusion, and a wasteful way of expense, to the destruction of his credit, and exposing his treasures to private bargains and corruptions; and had engrossed to himself the power of disposing all the King's revenues, laying aside the Chancellor and under Treasurer of the Exchequer, whereby all checks and controls are avoided."

Charge of altering the course of the Exchequer.

This alteration Danby justified on the ground of necessity, and both by his advocates at the time, and in his defence, written many years after, he took the bold and conclusive position of demanding a balance to be struck between all the monies whatever, he had received, and all that he had ex-

Danby's reply.

CHAP. II.

pended for the public service; truly concluding, that if this test proved him guiltless, such charges as alteration of routine usage, were frivolous and contemptible. On this charge also, the house resolved in favour of the Earl.

The charge of obtaining grants for himself was declared unsupported, as was also that which charged him with assuming to himself the management of Irish affairs, and appropriating money from the Irish revenue.

Charge relating to the marriage of his son.

The last article charged Danby with tampering with the course of justice for the purpose of breaking the marriage of a Mrs. Hyde, a relative of the family of Clarendon, that he might obtain her hand for his son, Peregrine Viscount Dumblain. The alleged tampering consisted in bringing in one of the witnesses by Danby's order before the King, and browbeating him to alter his testimony; and promising Vyner, the Lord Mayor, the payment of a crown debt, if the marriage was accomplished. All this was denied by Danby many years afterwards, in a letter to Lord Clarendon, and he solemnly declared that he knew nothing of the marriage of his son till it was avowed by him and the lady in the court of Delegates. This article the House also refused to entertain.*

Is defended by opposition leaders.

The want of foundation for these charges was fully evident, not only from the strange incident of some of the opposition

* The following is the Right Hon. T. P. Courtenay's summary of this matter—"Peregrine, the second son of Danby, (who surrendered to him the dignity of viscount Dumblaine, in Scotland,) sought in marriage, Frances, daughter and heiress of Sir Thomas Hyde. The lady, who appears to have been under the guardianshtp of her step-father, Vyner, the lord Mayor, had been married, or partly married, at a very early age, to one Emerton, her mother's nephew, but, apparently, a low man. As to this alleged marriage, a suit of law was depending, and the article charged Danby with having caused a principal witness in the cause to be arrested, brought before the king himself, to be examined in the presence of Danby, and induced by threats and promises to give false evidence, with a view to setting aside the marriage. In support of this charge, it was proposed to ask several questions of the Lord Mayor, in which a fresh accusation appears, namely, that the Treasurer endeavoured to purchase Vyner's co-operation, by a promise that a crown debt to him should be paid, and a place given to his son. It also suggested that Danby had advised and assisted Vyner in defending the suit. But the house, justly attaching the greatest importance to the charge of impeding public justice, refused to ask of Vyner any question but one; that one related to some tampering with the clergyman who married Emerton, and to the arrest and examination of Vyner's servant, the witness to whom the charge referred."

The journals record nothing beyond the fact, that the question was asked and answered; whereupon it was resolved that there was no matter of impeachment in this article.

speaking in defence of the minister, and chiefly Garroway, who usually acted with Russell and Cavendish, but by the the testimony of the persons in the department.* These incidents, Andrew Marvel attributed, with his usual candour to bribery on the part of Danby, but on a charge of bribery, the testimony of contemporaries is of little more value than the conjectures of posterity. It is not to be doubted, however, both from the genius of the times and the character of the opposition that Danby resorted at times to bribery, but there is no reason to suppose that this was done more on private than on public questions. If however, he offered his bribes with so little concealment of the circumstances, and so little discrimination as to the persons, as we are asked to believe he did, in the case of Marvel, himself, the fact of his bribing ought not to be doubtful. It would seem however from Lord Keeper Guildford's testimony that Danby's bribing had not the desired effect.

Accusation of bribery.

"I observed," he says, "this good humour began to decay by taking off enemies by preferring them; and those friends that were low in the world, or had mercenary natures, had money given them: so that ambitious men expected to be sought to and caressed, because they were able to trouble the king's affairs; and the honest, plain, (but not discerning) *country gentleman believed every vote that was given for the court was the effect of a pension, and would not join, lest he should be thought to do it because he had some hopes of a reward.*"

The failure of this impeachment seems to have been so far a triumph, that Danby's friends celebrated it at a banquet with

The impeachment fails.

* Sir Charles Harbord, an official in the Treasury, said, "He had had the honour to serve the King under seven or eight Lord Treasurers; by the duty of his place he is to advise with all things relating to the revenue; he has endeavoured all the time to save the Treasury, but sees he cannot do it. So far as he has been acquainted with the Lord Treasurer, he has not found his understanding defective in it, and has wondered at it, that a young man, and a country gentleman, should understand it so. In this business he would go as faithfully and as truly as any man; as he had charity for the gentleman that brought in these articles, so he knew many of these things to be otherwise. Would have you view the state of the revenue first, and, if proper, then would enter into the merits of the case: he can disprove many of these things alleged."

The state of the Treasury was also certified by Colonel Birch, and it evidently alluded to the fact mentioned by Danby in his memoirs, that the Parliament withheld grants, and ever since the shutting up of the Exchequer, the minister could not borrow.

CHAP. II.

much rejoicing. A coarse satire ascribed to Marvel, takes advantage of the occasion to describe an imaginary entertainment to which the following halting lines refer, the first part to Danby's history, and the second, which is more curious, to his personal appearance,—

Satire of Marvel.

"The host that lives in that same house,
Is now a man, but was a mouse,
Till he was burgess chosen;
And for his country first began,
But quickly turned cat-in-pan,
(The way they all have rosen;)
And ever since he did so wex,
That now he money tells by pecks,
And hoards up all our treasure.
Thou'lt ken him out, by a white wand
He dandles always in his hand,
With which he strikes the measure.
* * * * * * * *
He is as stiff as any stake,
And leaner, Dick, than any rake,
Envy is not so pale;
And though, by selling of us all,
He wrought himself into Whitehall,
Looks like a bird of gaol."

CHAPTER III.

FROM DANBY'S FIRST IMPEACHMENT TO THE CONGRESS OF NIMEGUEN.

The opposition change their tactics. Management of Danby. The question of the French aid compromised. Bribery of the Parliament. Danby's fear of Republican principles. Introduces the Nonresistance Test. Form of the Declaration. Opposition of Shaftesbury. Resolution of the Lords for freedom of debate. Protest of Shaftesbury. The Bill lost by a trick. Danby's ignorance of French bribes in 1674. Yet he joins in the scheme of a French Alliance. Ruvigni's account of the negociation. Lauderdale in the secret. Danby abandons his French policy. State of domestic affairs in 1674. Persecution of the Presbyterians. Spread of Republican opinions. Shutting of the Coffee-houses. Parliament of 1677. Dismissal of Halifax. Strength of the Opposition. The King's Speech. Argument of Shaftesbury. Committal of Shaftesbury, Salisbury, Buckingham, and Wharton. Bribery by Danby. Management of the House of Commons. Conduct of the Opposition. The address and reply. Factiousness of the Commons. And their venality. Danby's Bill for securing the Protestant Religion. Speech of Andrew Marvel. Moderate measures of Danby against Popery. He joins more heartily the views of Charles. Is made a Knight of the Garter. Letter of Danby to Montagu. Second Letter. His anxiety to thwart the French interest. Statement of Courtin. Reply of Danby. Refuses offers of Money. Plans the marriage of the Prince of Orange. His own account of it. Duras despatched to France. His instructions to obtain a Peace. Duplicity of Charles.

CHAP. III.

THE enemies of Danby thus defeated in their attempt, now abandoned personal charges, and betook themselves to patriotism. Of this turn in their tactics, the minister seems himself to have taken advantage. He had concluded an advantageous peace with Holland; but a number of English troops, according to former stipulations, still remained in the service of Louis. This, there was every reason to believe, was contrary to the desire of Danby, and when the Parliament proceeded to address the crown for their recall, instead of annoying the minister, they annoyed the King.

The opposition change their tactics.

The address which the opposition carried, demanded, first,

CHAP. III.

the recal of the troops already in the service of France, and secondly, that the crown should countermand the emigration of others. Charles was highly incensed at the demand, and replied to the House, that though he would countermand any further levies, he could not grant the recal without violating his honour. It is not probable that Danby dictated this reply, for his hatred of the French interest had become a proverb in France, The House of Commons repeated their address, but only by the speaker's casting vote; and it is not difficult to fancy what Danby felt upon the subject, when we recollect that Sir Edward Seymour, the intimate friend of Danby, was the speaker who voted, and that Danby, in his memoirs, boasts of having been the means of withdrawing the troops in question. Nothing directly was done upon this second address, but a compromise at length was come to regarding the troops; the difficulty, according to Sir William Temple, having been, composed by "private engagements to suffer those that were in the French service to wear out without any recruits, and to permit no new ones to go over; but at the same time to give leave for such levies as the states should think fit to make in His Majesty's dominions, both of English and Scotch regiments.*"

Management of Danby.

The question of the French aid compromised.

Bribery of the Parliament.

The history of this debate casts little credit on that Parliament, for there is every reason to believe that the money of France on one side, and of Spain and Holland on the other, were the moving powers of the two great parties.†

Danby's fear of Republican principles.

Danby seems at this time to have apprehended, from the aspect of the opposition, a return to the policy of armed resistance, or at least a strong tendency to the courses of 1642. He could remember that the warfare against the crown, which began with repeated impeachments, ended with an appeal to arms; and he had little reason to hope that the crown could easily again whistle back the old cavaliers who

* Temple's Memoirs, ii. 255.

† "The Dutch and Spaniards spared no pains nor expense of money, to animate as many as they could against France; our Lord Treasurer, Lord Keeper, all the Bishops, and such as call themselves old cavaliers, who were all then as one man, were not less zealous against popery." Coleman's Letters; and Parl. Hist. iv. lxxxvii, quoted by Courtenay.

had been treated with an unkindness remarkable even in the history of political ingratitude. It was with such a feeling that he came forward to propose the Test, which extended to Privy Councillors, Members of Parliament, and Magistrates, the declaration already imposed upon Clergymen and Dissenting Preachers, Lieutenants of Counties, and the Militia. This test was introduced avowedly to counteract the advance of republicanism. Burnet informs us that it was argued by those who proposed it that "it was necessary, to discriminate the good subjects from the bad. We had been lately involved in a long civil war, occasioned by the ill principles that some had taken up, with relation to government. It was fit to prevent the return of such miseries. The King had granted a very full indemnity, and had observed it religiously, but there was no reason, while so much of the old leaven still remained, to leave the nation exposed to men of such principles,"* and Roger North directly says that it was "opposed to the old republican principle, which the faction began to set up afresh,—that all power is from the people."† The Test Bill was introduced into the House of Lords by the Earl of Lindsey, brother-in-law to the minister. Lord Lindsey's arguments all tended to point out the advance of republican principles, and when we recollect that Algernon Sidney and those of his party were so anxious for a republic that they dirtied their hands with French gold to attempt it, the danger will seem as reasonable, as the attempt to stop it by a test, was absurd.

Introduces the Nonresistance Test.

The declaration which the Bill contemplated, ran in these words,—"I do declare, that it is not lawful upon any pretence, whatsoever, to take up arms against the King, and that I do abhor that traitorous position of taking up arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commission. And I do swear that I will not at any time endeavour the alteration of the government, either in church or state." It is curious that historians, from Burnet to Hallam, seem to attribute the invention of this test to Danby,

Form of the Declaration

* History of Own Time. † Examen.

CHAP. III.

whereas, whether the declaration was right or wrong, this bill only went to remove the anomaly of administering an oath to inferior members of the executive, which the legislature was was not called upon to take. A considerable debate ensued in the House of Peers. The Duke of York as a Roman Catholic, was opposed to the Bill, but Danby, so far from succumbing to his patron, added a clause to the test, against "endeavouring any alteration of the Protestant religion as now established by law in the church of England."

Opposition of Shaftesbury.

This decided the opposition of the Roman Catholic peers, who were found acting with the versatile Shaftesbury, now performing the part of champion of liberty of conscience. Shaftesbury's advocacy, however, seems to have been unfortunate for his clients, for when he had made an able speech, showing how vague was the word "protestantism," (of which fact he was himself a living example,) Danby conclusively met the objection, by adding the words, "the Church of England as established by law." The activity of the opposition, however, was valuable from the fact that it urged the lords to secure the freedom of debate, so that it should not be invaded by any test whatever. They solemnly resolved "That there shall be nothing in this Bill which shall extend to deprive either of the Houses of Parliament, or any of their members, of their just, ancient freedom, and privilege of debating any matter or business which shall be propounded or debated in both or either of the said houses, or at any conferences or committees of both or either of the said Houses of Parliament, or touching the repeal or alteration of any old, or preparing any new law, or the redressing of any public grievance; but that the said members of either of the said houses, and the assistants of the House of Peers, and every of them shall have the same freedom of speech, and all other privileges whatsoever, as they had before the making of this act." In addition to this, the Duke of York proposed and carried, that it should be a standing order that, "no oath should ever be imposed, by bill or otherwise, the refusal of which, should deprive any peer of his place or vote in Parliament, or of liberty of debate therein." At length, after much discussion, the Bill was carried in the House of Peers in the month of

Resolution of the Lords for freedom of debate.

April, 1675; Shaftesbury, Buckingham, and Clarendon, protesting in the following terms, "This Bill, as we humbly conceive, doth strike at the very root of government, it being necessary to all government to have freedom of votes and debates in those who have power to alter and make laws; and besides the express words of this Bill, obliging every man to abjure all endeavours to alter the government in the church, without regard to anything that rules of prudence in government, or christian compassion to protestant dissenters, or the necessity of affairs, at any time, shall, or may require; upon these considerations, we, humbly conceiving it to be of dangerous consequences to have a bill of this nature, so much as committed, do enter our dissent from that vote, and protestation against it."

Protest of Shaftesbury, Buckingham, and Clarendon.

An extraordinary incident prevented the bill from coming down to the Commons; it was one of those events recorded in the history of the impeding of public business by the title of "questions of privilege." Shaftesbury, as Burnet tells us, claimed the honour of having invented the trick, but whoever may have been its author, it was effectual. The House of Lords, in the exercise of its privilege, still happily maintained, of deciding between British subjects in the last appeal, had taken cognizance in due course of a Chancery case, in which a member of the House of Commons was concerned. This the lower House took up with all the punctilio of the days of Pym, and founded on it such a quarrel, as at length compelled the King to prorogue the Parliament. Andrew Marvel, who was certainly not prejudiced in favour of the Peers, gives us this account of it. "The Lords, according to their undoubted right, being the supreme court of judicature in the nation, had, upon a petition of Dr. Shirley, taken cognizance of a cause between him and Sir John Fagg, a member of the House of Commons, and of other appeals from the court of Chancery, whether in good earnest, which I can hardly believe, or rather some crafty Parliament men among them, having an eye upon the Test, and to prevent the hazard of its coming amongst them, presently took hold of it, and blew the coals to such a degree that there was no quenching them."

The Bill lost by a trick.

CHAP. III.

Interest of Charles in favour of the Test.

The object of this sudden and preposterous demand of the House of Commons, was quite clear to the court. Charles had attended every night during the debate, and was greatly interested on behalf of the Test, whether in the hope of popularity, or to try to show a bold face to France, and bring up Louis to his price, it is not easy to decide. Perhaps he really felt the necessity of testing the strength of republican opinions in England, and feared truly for the occurence of that dreaded event, which he colloquially called, "going again upon his travels." In the unexpected impediments to the Bill which the disputes of the two Houses had created, he perceived the work of Shaftesbury, and attributed it, when he had the two houses assembled before him, to the agency of some who were anxious for the dissolution of Parliament. The King's effort at the reconciliation of the Houses, was, for the present, vain. The Lords required him to dismiss the Lieutenant of the Tower for refusing to bring before them the prisoners whom the Commons had committed. Neither Charles nor Danby, however, were prepared for so bold a course as this, and the latter replied, "that the King had considered the circumstances of the matter, and was not satisfied how, with justice, he could remove him." The Parliament was dissolved in the month of June.

The next session began in October. In the meantime Danby was placed in a position of the utmost difficulty, by the refusal of any supplies by the last Parliament. This was so much felt that when the session was again opened, after recommending to the Houses to adopt "whatever might tend to the security of the Protestant religion, as it is now established in the Church of England," the King pressed earnestly for a supply. The two chief grounds for the demand were to take off the anticipations that were upon the revenue, and to pay for the building of ships. "Though the war," he said, "has been a great cause of these anticipations, yet I find, by a late account I have taken of my expenses, that I have not been altogether so good a husband as I might have been, and as I resolve to be for the future, although, at the same time, I have had the satisfaction to find, that I have been far from

such an extravagancy in my own expense, as some would have the world believe. It is now above three years since I asked you for any thing for my own use." The Parliament, however, could not be brought to a giving humour. They declined to grant anything to take off the anticipations, and they had almost ordered that the money granted for ship building, should be placed in the chamber of London, to be disbursed under the eye of the Lord Mayor and council. This was sufficiently like the tone of the Long Parliament to Charles I: and that tone was still further revived when the court was assailed in a resolution of the House to this effect, "that the atheism and excessive debauchery now prevalent in this kingdom, should be one part of the matter to be redressed in the state of the kingdom." The votes of privilege of the former session, were again brought forward, and passed, the House adopting an order forbidding counsel or attornies to prosecute an appeal against any of their members in the House of Lords.

Factiousness of the House of Commons.

Charles was quite right in believing that those who had fanned the flame between the two Houses were anxious for the dissolution of Parliament, for Shaftesbury hurried on the privilege debate, Buckingham, in the present session brought in a Bill for the relief of Protestant dissenters, and of course opposed to the test, and Lord Mohun, another of the angry patriots, moved an address to the crown to dissolve the Parliament, and lost the motion by no more than forty-eight to fifty.

Danby had to contend all this time, besides the open opposition of Buckingham and Shaftesbury, with the private malice of Arlington, who still remained in office about the court. He had, it is true, sunk into little better than a butt for those who wished to amuse Charles, as he had been amused by the mimicry of Clarendon, when Arlington and his associates were running down that minister.* Still, he

Difficulties of Danby.

* "As the credit of this Earl declined, so several persons at court took the liberty to act and mimic his person and behaviour, as had been formerly done against the Lord Chancellor Clarendon, and it became a common jest for one of the courtiers to put a black patch upon his nose, and strut about with a white staff in his hand, in order to make the King merry; yet he held his Lord Chamberlain's place to the day of his death. The reason of the King's coldness, or perhaps displeasure, is believed to proceed from his late

CHAP. III.

was enabled to give some assistance, by treachery, to the assailants from without. Thus, to assist Shaftesbury as much as possible, he seems to have suddenly adopted a violent protestantism, though in the early days of the Cabal, his leanings were the other way, and to have displeased Charles by his ostentatious attendance on ceremonies and sacraments, so as to make the other courtiers appear in comparison, quite negligent, and to force the King himself to punctuality.

Danby's ignorance of French Bribes in 1674.

Historians are agreed in acquitting Danby of any knowledge of the bribe of 500,000 crowns received by Charles from Louis, in 1674, to prorogue the Parliament for a year. Ruvigni, in detailing the transaction to his master, makes no mention of the Lord Treasurer, and subsequent events showed that Charles had studiously avoided consulting his minister upon the subject. Charles had received the money through the hands of Chiffinch, his private agent, and applied it without the privity of Danby, to his personal necessities. The Parliament, however, were forcing him rapidly into crooked courses. They had refused all supplies to carry on the government, and knowing well that the act of Clifford in seizing on the deposits in the Exchequer, had destroyed the public credit, they refused to vote money to remove the charges on the revenue, which necessity had compelled the minister to make, by anticipation. This state of affairs was well known to the court of France, and Louis, by his ambassador, began to take advantage of it. Ruvigni accordingly was ordered to endeavour to make a more close and effectual

turn towards the popular stream, and more especially his outward proceedings against the Papists, when the court believed him to be one inwardly himself. Concerning this I have received a particular story from an unquestionable hand, namely, that Colonel Richard Talbot, afterwards Earl of Tryconnel, having been some time absent from the court, upon his return, found the Earl of Arlington's credit in a low condition, and seeing him one day acted by a person with a patch and a staff, he took occasion to expostulate this matter with the King, with whom he was very familiar, remonstrating how very hard it was that poor Harry Bennett should be thus used, after he had so long and faithfully served His Majesty, and followed every where in his exile. The King, hereupon, began to complain too, declaring what cause he had to be dissatisfied with Harry Bennett's conduct, who had of late behaved himself after a strange manner, for, not content to come to prayers as others did, he must be constant at sacraments too. "Why," said Talbot, interrupting him, "does not your Majesty do the very same thing?" "God's fish," replied the King, with some heat, "I hope there is a difference between Harry Bennett and me." *Echard* III. 372.

bargain with Charles, and to enlist him fully in his opposition to Spain and Holland. Of this negociation, as far as it related to money, Danby was entirely innocent, but his desire of office seems to have been such, that he permitted himself, notwithstanding his expressed hatred of France, to join in the scheme of a French alliance. This negociation began early in 1676, and its object was to obtain such a treaty between Charles and Louis, as should bind the former absolutely to the interests of France. That Charles looked only in the matter to the prospect of obtaining money, was clear enough, from his pressing advances and his indecent importunity, but what the arguments were which induced Danby to comply with a French alliance, it is now impossible to assertain, except indeed, that the proceedings of the Parliament, and the conduct of the opposition party, themselves sufficiently corrupt, may have made him reckless of results. The first negociation with France during the Danby ministry, was begun in January, 1676, by personal communications between the French ambassador Ruvigni, and the King.

Yet he joins in the scheme of a French alliance.

The latter writes to his master that Danby had opposed the idea at first of an alliance with France, but was brought round to that view by the persuasion of the Duke of York. It is still to be remembered, however, that at this time Danby does not seem to have known either of any stipulations as to the receipt of money by Charles, or the value he was to return in the proroguing of parliament.

On the 9th of January, Ruvigni writes to Louis, "the Duke of York supported King Charles's reasons so strongly, that the High Treasurer gave way to them, so that it was agreed in his council, to engage directly with your Majesty if it was agreeable. The King of England informed me of it the same day, and pressed me much to go into France, to carry the news of it to your Majesty, as he could not consent that a secret, which in his opinion, could not be too much hid, should be trusted to paper, or to any person but myself. What the King of England charged me to make known to your Majesty is, that he desired passionately to unite himself strictly with you; that without waiting till it can be done by a solemn treaty, it may be

Ruvigni's account of the negociation.

CHAP. III.

begun at present in secret, by reciprocal promises in writing, which should bind him as well as your Majesty, not to make any treaty with any state whatever, without the consent of the other, or to give any assistance to the enemies or rebellious subjects of either."* It does not seem that Charles made these proposals totally without condition, for the fear of popular indignation was still very strong. He wished Louis to make such exchanges as would prevent the Spanish towns in Flanders from being separated by others in the possession of France, for, if such a state of things continued, he wished Ruvigni to inform his master, that "all England would be always persuaded that Louis might make a conquest of Flanders whenever he pleased."

Lauderdale in the secret.

Lauderdale was the only person fully trusted by Charles in getting up the disgraceful portion of this treaty. Danby had declined to sign it, even so far as he was acquainted with it, separately, and represented to Lauderdale that they both ran danger of losing their heads, by adopting such a course. Charles, however, copied it with his own hand, and executed it without his ministers. The French ambassador proceeds to inform his master of the position in which Charles stood upon the question, "Your Majesty may well see, by all that has passed in this affair, that the King of England is, in a manner, abandoned by his ministers, even the most confidential; that the Treasurer, who fears the Parliament much more than his master, and who is very opposite to the interests of France, thereby endeavouring to acquire the people's favour, has formed all the difficulties which I mentioned, with a design to hinder the treaty being concluded..... The King is so abandoned by his supjects, that even among his ministers, he cannot find one in whom he can place confidence....All England is against your interests, and there is only the King of England and the Duke of York who embrace them with affection....There is good reason to believe that the King of England, without this new tie, which engages him more than ever in your interests, might have been drawn into his people's sentiments....The Parlia-

* Letters of Ruvigni. Dalrymple. I. 141.

ments are to be feared, and it is a kind of miracle to see a King without arms and money resist them so long."*

Though Danby, however, may be acquitted of any knowledge of the disgraceful portion of this treaty, which related to money, it is perfectly clear that his love of office, induced him to consent to a policy, the very opposite of that which he always professed, and to violate the principles of the Triple Alliance in the most effectual manner possible. Yet at the same time, Bishop Burnet informs us, he was speaking violently, as doubtless he felt, against the interests of France. "He took," says the Bishop, (who professes to have his information from Ruvigni himself) "so little pains to conceal his opinions from the representative of France, that Ruvigni taxed him with going into popular interests, against those of his master's honour, who, having engaged the King of France in the war, and being forced to leave him to fight it out alone, ought not to turn against him, especially since the King of France referred every thing to him as the arbiter and mediator of the peace. He remembered him of the old Duke of Buckingham's fate, who thought to become popular by breaking the Spanish match, and it was his ruin. He said that the King of France was the King's best friend and truest ally, and if he made the King forsake him, and depend on his Parliament, being so tempered as they were then, both the King and he might come to repent it when it was too late." The Bishop, after some further detail adds, "To all this Lord Danby replied, that he, (Ruvigni) spoke as a faithful servant to his own master, and that he himself would act as a faithful servant to his master." Burnet continues,

Danby abandons his French policy.

Ruvigni remonstrates with Danby

"Courtin, who succeeded Ruvigni in this same year, 1676, spoke a great deal to the same purpose. Here was a strange reverse of things. Lord Danby was at that time, suffering for being in the French interest, and Montagu was popular as being against it; whereas, to his knowledge, during his employment in England, Lord Danby was an enemy to their interest, as much as Montagu was for it."†

* Letter of Ruvigni, in Dalrymple.

† History of own Time.

CHAP. III.

The domestic affairs of England, at this time seem to have been proceeding with great tranquillity. In Scotland, Lauderdale had been pursuing a course of unexampled persecution and extortion, and he was ably seconded by a renegade Presbyterian minister, James Sharpe, who had been created Archbishop of St. Andrews. The Parliament of Scotland, which conducted itself more like a hired conclave than a legislature, voted that the crown had the sole right to govern the church, and that though a Scottish militia should be kept up, it should be at the command of the crown to act in any part of the empire against the nation. The Presbyterians, on the other hand, embittered by long and relentless persecution, became violent in the extreme, as to the most unimportant differences in doctrine, and wholly intolerant of the slightest connexion with the crown. All was preparing for the sudden insurrection of the Covenanters which followed upon the murder of the bloodstained Archbishop of Saint Andrews.

State of domestic affairs in 1674.

Persecution of the Presbyterians.

It would seem, however, that though all was apparently quiet in England the Republican leaven was spreading with considerable rapidity, and that the tone of the Parliamentary opposition was adopted by parties out of the house; for Danby resorted on the 20th of December, 1676, to the violent and unconstitutional expedient of shutting up the coffee-houses to prevent the expression of public opinion. This determination he accomplished by means of a proclamation issued contrary to the common law, and which gave as a reason for so desperate a course, that "by the meeting of disaffected persons in such houses, divers false, malicious and scandalous reports were devised and spread abroad, to the defamation of his Majesty's government, and, the disturbance of the quiet and peace of the realm." This proclamation was re-called after a short time; the coffee-house-keepers promising, Roger North informs us, "to be wonderful good for the future, and to take care to prevent treasonable and seditious talk in their houses." *

Spread of Republican opinions.

Shutting of the Coffee-houses.

* It has been lately said that Danby attempted to extinguish public opinion by withdrawing "licenses" from the Coffee-houses; no "licenses" having been in existence for years afterwards!

Three days after the proclamation against coffee-houses had been issued, another appeared, announcing the calling of a parliament for the 15th of February, 1677, thus constituting since the last prorogation a recess of fifteen months. In the meantime, Halifax had been removed from the council for reasons which at this distance of time it is difficult to ascertain. Bishop Burnet declares that it arose merely from the uttering of a sarcasm against Danby at the board in a matter of letting out to farm the Irish revenue. This oppressive system, which delivered the nation over to be plundered by the avarice of a single individual, had prevailed in Ireland from the accession of the house of Stuart; and though it received a blow from the patriotism and power of Swift, was not finally extinguished till the present century. On the consideration of two tenders offered to the council, Danby suddenly opposed one, and adopted the advocacy of the other; "the secret of this broke out," says Burnet, "that he was to have great advantages by the second proposition. Lord Widdrington did confess that he made an offer of a round sum to Lord Danby, but said that he did not accept it. Lord Halifax was yet of the council: so he observed that the Lord Treasurer had rejected that offer very mildly, but not so as to discourage a second attempt. This nettled Lord Danby, who upon this got him to be dismissed from that board."*

Parliament of 1677.

Dismissal of Halifax.

The Republican party and those who had adopted for the present that side in politics looked with much hope to the coming parliament. They felt that they had the power in their own hands by the refusal of supplies to reduce the King to the last extremities. His negociations with France, though not publicly nor exactly known, were fully believed to exist, and the course of the Republicans was clear enough to refuse money to assist, and yet to support the Dutch. As has sometimes happened in all political parties, the Republican party had leaders whose personal character and patriotism were in opposite degrees. The friends of liberty and enemies of Danby, were Shaftesbury, Buckingham, and Wharton. These had fully determined on the impeachment of the Treasurer.

Strength of the Opposition.

* Own Times.

CHAP. III.

On the 15th of February the Parliament assembled; and Charles addressed it in a very temperate and sensible speech. After expressing his hope that they had abandoned the jealousies which forced him to the last prorogation, he went on to say—"I come prepared to give you all the satisfaction and security in the great concerns of the protestant religion, as it is established in the church of England, that shall reasonably be asked, or can consist with Christian prudence. And I declare myself as freely, that I am ready to gratify you in a further securing of your liberty and property (if you can think you want it), by as many good laws as you shall propose, and as can consist with the safety of the government; without which, there will neither be liberty nor property left to any man. * * * * *

The King's Speech.

"Let all men judge who is most for arbitrary government, they that foment such differences as tend to dissolve all Parliaments; or I, who would preserve this and all Parliaments from being made useless by such dissentions." He then proceeded to demand supplies for national defence, declaring that accounts would show that there was no excess of revenue over expenditure; and concluded by saying, "If any of these good ends should happen to be disappointed, I call God and men to witness this day, that the misfortunes of that disappointment shall not lie at my doors."

The opposition began the campaign with great violence. Contrary to the advice of Halifax and Hollis, they objected to the legality of the Parliament: a statute of Edward III. had enacted "that Parliaments should be held once every year, or oftener if need be;" and resting on this, Shaftesbury and Buckingham argued that by the fifteen months prorogation, the present Parliament had ceased to exist. Danby was not taken unawares. Prepared to meet faction by firmness he first defeated the motion, and instantly afterwards had Buckingham, Salisbury, Shaftesbury, and Wharton committed to the Tower. The committal was on the ground of contempt in denying the legality of the Parliament; and though a month's imprisonment sufficed to bring Salisbury, Buckingham, and Wharton to the abandonment of their high constitutional opinions, and they, upon submission, were re-

Argument of Shaftesbury.

Committal of Shaftesbury, Salisbury, Buckingham, & Wharton.

leased; Shaftesbury prepared to adopt the character, played so often since, with various fortune, and called, both in admiration and derision, that of "a political martyr."

Bribery by Danby.

In this Parliament Danby is charged by contemporaries and subsequent historians, from Courtin to Lingard, with extensive and systematic bribery. Such testimony is of little weight when the transactions to which it refers must of necessity be secret. It is only ground for a general presumption of its truth, in the spirit of the proverb, that there is fire where there is smoke. That Danby took trouble to detach from the party of Shaftesbury such members as he thought he could talk over, is clear enough from Sir John Reresby's memoirs; and Burnet records as a novelty that he purchased, not the leading orators, but the private and silent members, probably believing that however brilliant oratory might be, a vote was, after all, the object it was aimed at. Reresby says in his memoirs under date of February, 1676—1677, just before the meeting of Parliament.

"Having kept my Christmas in the country, I no sooner returned to London, than My Lord Treasurer sent to speak with me. I waited on him therefore, and found him very open in his discourse upon several subjects, but for the most part lamenting that his countrymen would not allow him an opportunity to be of service to them, with the King, and making many protestations that the jealousies of those who called themselves of the country party, were entirely groundless, and without foundation: that to his certain knowledge, the King meant no other than to preserve the religion and government by law established; and upon the whole, wished that neither himself or his posterity might prosper, if he did not speak what he really believed; that if the Government was in any danger, it was most from those who pretended such a weighty zeal for it; but, who, under that pretension, were endeavouring to create such discontents between the King and the nation, as might produce confusion in the end, and intreated me to be careful how I embarked myself with that sort of people. My reply was, that I hoped I was not one to be wilfully misled: that I should have no rule to go by in that House, but my reason and conscience,

Management of the House of Commons.

CHAP. III.

and that so I could be of no particular faction or party; that as much as I yet understood of the duty of a member of the House of Commons, at this time suggested to me a moderation between the two extremes, and to have an equal regard for the prerogative of the King and the liberty of the subject."

* * * * * * *

"My Lord Treasurer took it so kindly, that I sided not with those who did all they could to weaken the crown, that he would needs carry me to kiss His Majesty's hand."*

Such arts as appear in this conversation, were likely to be as effectual as bribery. Reresby was not much attached to Danby, as hisexpressed sucpicion in a personal matter shows,† and had been up to this time, connected with the violent party of whose "truth and sincerity," he had "great notions," as he informs us. Indeed he had been thought a new adherent of theirs when he was elected, and was introduced to the House by Russell and Cavendish.‡

Conduct of the Opposition.

The opposition pursued the course which it had designed, in delivering remonstrances against France, but granting no money except for building ships, for which the Parliament voted £584,000, demanding that the money should be duly accounted for to the House. This vote is described by a recent historian, as an order "that no portion of the money should be allowed to pass through the hands of Danby," but there is no authority whatever, for such a statement.§

The address and reply.

To the remonstrance against the growing power of the French King in the low countries, Charles sent back a favourable message. The King, he said, "is of the same opinion with his two Houses of Parliament, that the conservation of Flanders is of great importance to England, and therefore he

* Sir John Reresby's Memoirs, p. 35.

† Reresby was implicated in a foolish charge of having murdered his black servant, and was almost convicted; *apropos* of which danger he speaks, as follows, of Danby, "October, 1676, Lord Ogle acquainted me, as did also My Lord Treasurer, himself afterwards, that he, meaning the Treasurer, had taken great pains to prevent the begging of my estate, and I believed it to be true, but shrewdly doubt it was with design, had it proved a forfeiture, to have secured it for himself; I was told as much afterwards. Memoirs, page 35.

‡ Reresby's Memoirs, page 26. § Lingard's England, xiii, 19.

assures them, that he will take all the care for the present of Flanders, than can possibly consist with the peace and safety of the kingdom." On the 26th of March, the Parliament addressed Charles again, wishing for a declaration of war, and promising to support him. Charles had as little confidence in their promises as they had in his; and Williamson the Secretary, endeavoured to smooth the terms of the address, but was beaten by 131 to 122. The tone of the debate was highly exasperated. Charles, by a message, on the 11th of April requested to be placed in a state of preparation for war, though Reresby, says the Commons, had resolved that "the King should not be obliged to return any answer to this address, though a number, who would have drawn him into inconveniences, would have had him urged to declare his intentions therein; by which he must have either disobliged the nation on the one hand, or on the other have declared war with France, before he was prepared to prosecute it."* The demand was received by the House with great suspicion. Coventry asked—"what if the King made alliances with one hand, and offend with the other, and be not provided with defence? A man would have his servant go a journey, but will not have him engage in it till he be provided with boots and horses."—"Are we asured," replied one of the opposition, "that the servant would go on that journey when he has boots and horses provided?"—"Would it be wisdom in the King, to tell you what journey he would go, or that he would go a journey, without being provided for it?" was the answer of the Secretary. The Parliament finally granted a sum of £200,000, refusing the King's request for £600,000, and desired leave to adjourn, a proceeding which Reresby declares was planned by "some of the discontented, who had resolved to hasten the money Bills as fast as might be, that so the House might rise before Easter, and the public Bills that were preparing be left unpassed, hoping thereby to incense the nation, and bring about cause of complaint against the King, as if he called the Parliament together for nothing but to get money from them."† The House of Com-

Factiousness of the Commons.

* Memoirs, page 43. † Ibid page 44

CHAP III.

mons appears at this time, in the worst light in which it is possible to contemplate a Legislature. One party within it was earning the money of Spain and the Empire by calling for war with France, while another asuming the name of "the patriots," was receiving the money of France, in return for so embarrassing the King that he should for ever abandon the notion of Parliaments.

And their venality

They demanded of the King that he would first make an alliance with Holland, offensive and defensive, before he was allowed any money to carry on a war. Of this unreasonable demand, which exceeded all that had been asked of his father, Charles, according to Reresby, naturally complained. "How can I," he said, "depend upon my Parliament to furnish me with regular and equal supplies to carry on a war, which they will not so much as enable me to prepare for."* The King finding that the House remained so unreasonable, adjourned it till July, declaring that they would not meet again till winter. In all this transaction, it is impossible not to grant that the King was in the right, and that if to make Parliaments hateful to the crown was the object of the self-styled "patriots," they were earning well their bribe from France.†

Danby's Bill for securing the Protestant Religion.

The question of securing the Protestant religion, sufficiently puzzling in itself, and greatly involved by the excitement of public feeling, became the next great difficulty of Danby. To provide some security for the succession, without contemplating the exclusion of the Duke of York, he contrived a Bill which gave to the Bishops extraordinary powers. By it the Prelates were empowered in case of the death of the King, to tender to his successor, a declaration against transubstantiation, and upon his refusing to accept it they were required to certify into Chancery the fact; to appoint to all Bishoprics, to present to all crown livings, and to take charge of the education of the children of the recusant King. Strangely enough, the Parliament, which was so active against Popery, promptly threw out the Bill. Much as they feared a Popish successor, they feared the Bishops more, and declared that

* Memoirs, page 47.

† See Appendix B. "Reasons for dissolving the two last Parliaments."

the measure would give regal power to the bench. The arguments they used were confused and factious, but were sufficient to compel the minister quietly to abandon the Bill.*

Moderate measures of Danby against Popery.

In another measure for the suppression of Romanism, Danby seems to have advanced far beyond the narrow spirit of his time. It proposed, that instead of the penalty of death, Romish Priests should be liable to imprisonment at the pleasure of the crown; and that the children of deceased Catholics should be educated in the Protestant religion. It would seem from the first of these proposals, that the minister was aware of a principle of legislative science only recently adopted, namely, that in the allotting of punishments, moderation and certainty are far more remedial than severity and doubt. The Parliament, however, were far behind the minister; they recognized but one remedy—to hang the delinquent. If it was not philosophical, it was at least convenient, and all precedent ran in its favour. The Bill of the minister therefore was indignantly thrown out, and Danby pronounced a favourer of despotism and the Roman Catholic religion.

Speech of Andrew Marvel.

* The heads of the speech of Andrew Marvel have been preserved, and exhibit the following specimen of unexpected delicacy towards the King, and innocence of the designs of the Duke of York and his party. The application of scripture is not less remarkable than the view of politics. "The Bill seems very unreasonable; the beginning is of two things, not of mature consideration. First, it supposes the death of the King. It might have had a more modest word to have disguised it from the imagination. [demise] Secondly, it supposes, that possibly the crown may devolve on a popish government; which ought not to be supposed easily and readily. God be thanked for the King's age and constitution of body! The King is not in a declining age, and if we intermeddle in things of this consequence, we are not to look into it so early, as if it were the King's last will and testament. The law makes it treason to imagine the death of the King, that is—a word more in it—The true and proper sense is not to imagine the King's death. His age may confirm you in no danger suddenly of the consequences of the Bill; but as for that of a "popish successor," he hopes it is a matter remote in the event, and would not precipitate that evil, no not in a supposition. For some reason, without doubt, this matter has been thought of in the House of Lords, and next to the King living, he would cast as little on the successor as might be. There is none yet in sight, but whose minds are in the hands of God, "who turns them like the rivers of water." Whilst there is time there is life, and whilst life, time for information; and the nearer the prospect is to the crown, information of judgment will be much easier. When God "takes him on high and shows him the glory of the world," and tells him "all these things will I give thee if thou wilt fall down and worship me," he thinks there will be no temptation. Those who change for conscience sake, will have so much self-denial, that the crown will not make them alter the thing. It is unreasonable; it may be proper some other time but not now." Parl. Hist. 856.

CHAP. III.

Is made a Knight of the Garter.

Danby now seems to have fallen more deeply into the views of the Court. On the 21st of April he had been created a Knight of the Garter, and Charles seems to have thought it right to confide to him the state of his relations with, or rather his dependance upon the Court of France. Montague had written from Paris in the month of June, stating the anxiety of the Court of France to secure Charles an increase of pension, but expressing a doubt to which of his ministers he could confide the fact. He declared that Ruvigni the French ambassador, was in a similar difficulty, having assured him, (Montague,) that "he found all the English ministers turning against France, and My Lord Treasurer, particularly, absolutely in the Prince of Orange's interest; that he was afraid that Charles would be brought to join all the confederates, and abandon France." In this difficulty, real or pretended, Montague wound up by saying, "since I do not know which of the ministers you are willing to trust, I have taken the boldness to give yourself this trouble; and if you trust any, I had rather it were my, Lord Treasurer, because I think he he is the best judge of such an affair; and except you shall think it for your service, that he sees this letter, I humbly beg my sister may see it burnt, because M. de Ruvigni is concerned in it, whose utter ruin the story I told you might be. And your Majesty is so wise and just, that I in no manner doubt of its secrecy."

He joins more heartily the views of Charles.

From the letters addressed by Danby to Montagu, it is clear that he entered now into Charles's arrangements, relating to the money of France. Some account seems to have been given him of previous proceedings, for he writes that he wonders the King had had so little as a million livres during the past year. Though giving way to the corruption of Charles, he preserved his hatred of the French, for we find him writing to the ambassador in such a spirit, in the same letter. Danby's, reply to Montague, as published by himself ran as follows:—

"London, July 15th, 1677. o. s.

Letter of Danby to Montagu.

"My Lord,

The King has been pleased to show me a letter of yours, dated 21st June, and has commanded me to

write you this answer, to that part of it which concerns the money. That he shall take it for a good service to get an addition of a million to be well paid during the war, and four millions well secured, to be paid within six months after the peace shall he made; but unless he can be then certain of the four millions, the addition of one million during the war, will not be enough, it being impossible with less than the value of two hundred thousand pounds sterling, a year, whilst the war lasts, to support his affairs, in which he suffers so much for their sakes, as I confess in my own opinion, no money can recompense. His Majesty knows not how to send you any particular instructions as to the management of this matter, but trusts entirely to your judgment since you tell him that you have prepared every thing for the execution of his commands in it. But he has commanded me to give you this caution, that unless you can see your way clearly through this affair, he would have you communicate to him the steps by which you design to arrive at it, before you put it in execution. His Majesty has directed this to be sent by an express, both for the safety of it, and the quicker return of your answer, being of opinion that time is not to be lost in whatever shall be done.

I am, Your Excellencies, &c,

DANBY."*

Again he writes on the following day :—

"London, July 16th, 1677. O. S. Second Letter.

"My Lord,

I find by your letter to the King of the 21st June, as well as by many other ways, that I am much obliged to your Excellency for your very good opinion, and I assure you my endeavours shall be not to diminish it, but on the contrary, to deserve as well as I can, of you by my services.

His Majesty is very well satisfied to know those passages you writ him of M. de Ruvigni, but I confess I wonder to find that His Majesty has not had more than a million of livres a year, (and that but for one year past) from them, for

* Danby's Letters.

CHAP. III.

whose sakes, I am sure, he suffers more than in my opinion, any money can recompense. But so little faith have I in any of their promises, that unless you can secure what they promise, I shall expect the noise rather than any benefit from them. I perceive by you, that Mr. Chiffinch hath been, and is to be, his receiver of whatever shall be had from them; and I am very glad of it, being truly desirous to have as little to do with them in any kind as I can, unless it were to cudgel them out of that contempt they have, not only for our nation, but the verey person of the King, although he be so unhappy as not to believe it." In the same letter Danby proceeds to say, that he cannot hope to make Charles change from being mediator, to be arbitrator at the congress of Nimeguen.

His anxiety to thwart the French interest.

"The King," he says, "will not do it, thinking himself to be tied up to such nice points of honour, as, I durst take the sacrament, would not be stood upon an hour by the King of France, if the condition of our master were his. I entertain you the longer upon this subject, because I think it our duty, by all the means possible, to convince the King of this truth. And if you, who have many opportunities of doing it, could send me some of those frequent instances, which I am confident there are, of that court's despising the counsels of this, it might be a means of saving us from being ruined by that nation, which, I believe, designs nothing so much as the ruin of this."

In the very gossip as to the removal of the French Ambassador, he exhibits his dislike to the whole negociation, saying, "I am so much a stranger to all the French counsels, that I neither know why M. Courtin is removed, nor upon what measures M. Barillon is sent; only I find, and I am not at all sorry for it, that I am likely to have no more of his conversation than I have had of M. Courtin."

It is clear enough from the correspondence that Danby had been much misrepresented by the ambassador Courtin. The latter had declared that his whole arrangement with Charles had passed in the presence of the Lord Treasurer; and as part of that arrangement was an agreement that Charles should prorogue the Parliament, Danby hastens utterly to

Statement of Courtin Reply of Danby.

deny, to Montague, his privity in the matter. Courtin had said that Charles had given him a "positive assurance" of the prorogation in consideration of two million livres. Danby's denial is in the most unmeasured terms.*

Refuses offers of Money.

The personal advantages to himself here referred to were evidently offers of money, which the Prime Minister indignantly declined, and so far from agreeing to the prorogation for two million livres, he persisted that the sum was two hundred thousand pounds sterling, hoping to foment a quarrel that would avoid the agreement altogether.

His obstinacy upon this point for a long time delayed the negociation and embarrassed Charles, whose anxiety for the promised money could not brook delay. The French Ambassador Barillon applied himself personally to the King, when he had discovered the object of the Treasurer, and Charles had become impatient of the whole affair. "In the name of God" he said, "do not speak to me of this affair; I am so confused about it, that I cannot bear its being spoken of. Go to the treasurer, and do as you and he shall understand the matter. As to myself, I am driven to despair whenever it is mentioned to me."—"But your majesty," said Barillon, "very well knows, that sending me to the treasurer is embarrassing the affair afresh, for the treasurer will not give it up. He lately made a difference about the 200,000 crowns which had been paid; and as he saw your majesty had condemned that pretension, he now forms a new difficulty."

* "The King is gone to Plymouth, and till his return I shall be able to say nothing of such surprising matter as your letter imparts in every part of it; for, in the first place, I never spoke to M. Courtin in my life, about that or any such affair, till since I received this last letter from you, so that all he has said was done in my presence, is utterly false. In the next place, I know nothing of the King's changes of mind in that business, only I know that he has more reason than ever to be positive in his resolutions; but I know not what to say in it, because, since I have received your letter, I had some discourse with M. Courtin, who speaks much the same kind to me, that you had from M. Pompone; the truth of which must remain until His Majesty return, and then we shall both know what we are to do. In the mean time, I think it is not necessary to send any express, but I give you thanks for making that answer you did concerning any advantages to myself,—Letter of Aug 20, 1677, Danby's Letters.

CHAP. III.

Plans the marriage of the Prince of Orange.

In the meantime Danby had concerted a scheme which was destined finally to destroy the French interest at the English Court in the most effectual manner—the marriage of the Prince of Orange with the Princess Mary, eldest daughter of the Duke of York. Danby had been for a long time in correspondence with the Prince, and had been zealous in rendering him services. In 1674, Lord Latimer, the Treasurer's son, had visited Holland and obtained for William, though his father, the payment of a debt from the King of England. In May, 1677, Lady Temple came over with instructions to propose privately to Lord Danby, William's wish to espouse the princess, and the Treasurer warmly advanced the project. In September of the same year he obtained Charles's permission for William to visit England and the marriage took place on William's birth-day the fourth of November. For the accomplishment of this marriage, Danby claims great credit, in his defence published many years subsequently. It had indeed the fortune, after the revolution to be looked upon as the most important act of the Danby administration.

His own account of it

"But above all," says Danby, writing of himself in 1711, "it is notoriously known, that he was the Chief Instrument of procuring the Marriage of the Lady Mary to the Prince of *Orange*, by which he hoped a Future Security for the Protestant Religion would be provided; and his present Hope was, That the *French* Interest, in this Court, would thereby be rooted out; which in all Probability had been effected, if the Parliament had been so happy as to have given the Six hundred thousand Pounds demanded by the King at that time for Preparations; when instead thereof, they only gave Credit to borrow Two hundred thousand Pounds upon the *Excise*; by which, I have heard, the King was so discouraged, as did extremely hinder what this Lord hoped, and endeavoured to obtain in behalf of the Confederates: And were the Transactions of that time between the Prince of *Orange* and this Lord, known to the World, they would as highly esteem him for his worthy Endeavours, both in relation to

his own Country, and to the Confederates Interests, as he is now unjustly calumniated for the contrary."*

Duras despatched to France.

Louis was astonished and exasperated by this alliance and prepared to proceed vigorously with the war. Charles on the other hand prepared to act as vigorously in his office of mediator, and despatched to Paris, Lord Duras (afterwards Lord Faversham) with full instructions to procure a peace. These terms had been agreed upon between Charles and the Prince of Orange during the visit of William to England and the instructions very fully laid open the pressing condition of Charles's affairs.† Louis, whose indignation had time to cool, received Duras politely but declined to accept the terms, and proceeded with the winter campaign which had begun.

His instructions to obtain a peace.

* Memoirs relating to the impeachment of the Earl of Danby, p. 19.

† The principal portion of these instructions ran as follows:—"We find the humour of our people so violently bent upon the preservation of Flanders, and for which we have so often assured them of our care and endeavours, that we do not see how we can live at any ease with them if we should suffer it to be lost by any further conquest there during this war or by the terms of a peace ruinous and destructive: That this jealousy in the parliament, and the desire thereupon of engaging us in the war, had for these three years last past run us into so many difficulties, by hindering our supplies, and raising so general discontents among our subjects, because we alone have stemmed this tide for so long together, that we reasonably doubt whether the heat of a whole nation be always to be resisted: That we shall be necessitated to call a parliament in April, by reason of a very great branch of our revenue that will determine at Midsummer next, and that we cannot have the least hopes of getting it continued, if, after these assurances we have given them of the preservation of Flanders, they shall find it in so much a worse condition than when they parted: That if a peace shall not be concluded, or, at least, the main points agreed upon before that time, the great influence that some of the confederate ministers (less inclined to a moderate peace than the prince of Orange) seem to have amongst some warm men in the parliament may raise many difficulties, which, by concluding it now, may safely be avoided. How far the irresistible temper of the house did necessitate us to a peace with Holland, is well known to the most Christian king; and they, having the like advantage now upon us in respect of our revenue, they then had in respect of our expenses, to what straits they may and are like to drive us, is not hard to guess: That besides this, the many obligations we have to take care of the welfare and safety of the prince of Orange needs not repeating to you; They will sufficiently occur to you of themselves; and we do find a thorough resolution in the Prince of Orange to fling himself into the most desperate councils imaginable rather than to consent to the loss of Flanders by such a measure as must ruin it, in which he judgeth his own honour and his Country's safety concerned to the uttermost."

The instructions conclude by pressing as usual for a reply, lest Parliament should meet and interfere. Lord John Russell's Life of Lord Russell.

CHAP. III.

Duplicity of Charles.

Charles now pretended that no further peace could be kept with France, though, at the very time that he had signed the instructions of Duras, he had apologised privately to Barillon for the terms which he was tendering to his master.

CHAPTER IV.

FROM THE CONGRESS OF NIMEGUEN TO THE SECOND IMPEACHMENT OF DANBY.

Danby advises a league with Holland. Duplicity of Charles. Attempts of France to corrupt Danby. His indignant refusal of the bribes. Is firm to the Dutch alliance. Ruvigni's mission to the "Patriots." Effects of the mariage of the Prince of Orange. Alliance of France and the "Patriots" against Danby. Corruption of the Patriots. Meeting of Parliament. Plan against Danby and the Duke of York. Danby writes his celebrated letter to Montague. Charles's extraordinary demand for revenue. Rejected without a division. Battle of Mons. End of the war. Renewed favour of Buckingham. Public feeling against Romanism. Its causes. Imprudence of the Priests. First intimation of the Popish Plot. Story of Kirby and Tonge. They are referred to Danby. Danby's Narrative of his conduct. His examination of Tonge. Second interview with Tonge. Danby goes off to Windsor. Advises the arrest of the parties charged. Charles commands silence. Danby informs Charles of the progress of the plot. Arranges to seize the messengers. Charles disbelieves the plot. The alleged pacquet of Jesuit's letters. Danby anticipated by the Duke. The papers transmitted to Parliament. Inconsistent charges against Danby. Murder of Sir E. Godfrey. Misrepresentation by Doctor Lingard. Probability of the story of France. Charles mentions the Plot to the House. Attempts to remove the Duke of York. Roman Catholics excluded the House. Motion to remove the Queen. Charles proposes to agree to restrictions on a popish successor. Despises Oates.

CHAP. IV.

DANBY had now to contend with a new policy on the part both of the opposition and the court of France. On the moment of Louis's rejection of the terms of peace offered by Duras, the prime minister had urged upon Charles the necessity of making a closer league with his nephew the Prince of Orange, and wrote to the Prince, informing him of his success with Charles and proposing that England and Holland should join to compel France and Spain to accept the proposals of England. "The King" he said, "will rely upon your Highness's single engagement for this without saying anything to the States of it" and he wound up his letter by saying "the fault will now lie

Danby advises a league with Holland.

CHAP. IV.

on your own side of the water, if you have not either the peace upon the terms proposed, or us engaged as deep in the war as yourselves."* William was greatly gratified with the prospect, and replied thanking Danby cordially; to whom he attributed, truly, the merit of the change.† Charles indeed began to make a show of determination at length to break with Louis whose pensioner he was. He had intended to prorogue the parliament till April, but ordered it to meet in January instead. He, however, was not sincere in all this show; for at the same time he was writing to Montagu to endeavour to induce the Court of France to accede to the terms offered by Duras. He directed the ambassador to impress upon the court of France that he dare not do without frequent parliaments. "Our necessities" he says, "and the conjuncture of our affairs are such, that a longer living at a distance from our people cannot be continued without apparent danger to our very being and crown. If you shall be asked the reason why we have antedated the day for the meeting of the parliament, you must plainly say, that the great preparations and present marches in Flanders, with the siege of Ghislain, joined to the answer given to lord Duras made it seem necessary to us, lest Flanders should be lost before the meeting of our parliament, which, besides many inconveniences as to the reputation of our conduct and prudence, would probably have raised a storm too violent for us to allay."‡ Montagu was no unwilling agent in representing this to the French. He, being in fact, one of the most corrupt men in our history, had already been bribed to keep up the enmity to Holland, and his letters of profession to Danby were only to keep on the mask he had assumed. Hopeless however, of inducing Louis to abandon the Flanders towns, he made another attempt to corrupt the Treasurer. Valenciennes, Condé, or Tournay, Louis declared, he would for no cause surrender, but Montagu wrote to Charles that he was instructed to say to him. "if you would procure a gen-

Duplicity of Charles.

* Danby to the Prince of Orange, Danby Letters, p. 161.

+ Letter from the Hague—Danby Letters, p. 167.

‡ Lord John Russell's Life of Lord Russell, p. 207.

eral truce for a year, and in that time manage the prince of Orange, so as not to insist upon those places, you should be paid as much as if those places were your own; and though such a sum of money as this would be hard to return, it should be put into wedges of gold, and so put into bales of silk, and sent over in a yacht. And as for my lord treasurer (whom they looked upon as a chief adviser in this affair), if I would do them the kindness here as to sound him, there is nothing they would not give him, to make his fortune. It should be given him in diamonds and pearls, that nobody could ever know it, and I myself should not be forgot if I would propose to him. I undertook to answer, that my lord treasurer is not to be gained for any interest, but what he thought to be his master's; and as for my proposing any such thing to your Majesty, I durst not do it."* To this, in another letter he added the further bait that if Charles would play the part that Louis desired, he might have his niece—the daughter of the Princess Henrietta and the Duke of Orleans—married to the Dauphin. "If" he writes "you were as kind to your niece as they thought you were, you might easier get her a kingdom than you a town; and her children who would be your nephews might have Tournay and all France besides, and owe it to you."

Attempts of France to corrupt Danby.

To Danby he writes that the French court despise the warlike position of the King of England, because they think that Parliament would not join him in the war, an opinion for which they had excellent reason, seeing that they had arranged for the wholesale bribing of the patriotic opposition. This was to be accomplished by the younger Ruvigni, who was to be brought (on his arrival in London,) into contact with the opposition, by means of his cousin-german, Lady Vaughan, afterwards the celebrated wife of William, Lord Russell. By this nobleman, Montagu writes, that the younger Ruvigni, "is to be introduced into a great commerce with the malcontent members of Parliament, and insinuate what they shall think fit to cross Danby's measures at Court, if

*Montagu to Charles—Danby Letters p. 38.

CHAP. IV.

they shall prove disagreeable to them here (at the Court of Versailles), whilst M. Barillon goes on in his smooth civil way."*

His indignant refusal of the bribes.

To all this Danby replied with the utmost dignity. Sir William Temple was with him at the moment that the letters reached him offering the pearls and diamonds, and the bribes of various kinds mentioned above. Danby made no concealment of the offer. Consistent with the character we have given, viz., that his fault in the matter was not love of corruption but of power; he read the letter to Temple and told him he would as soon give them Windsor as the towns they sought to gain.†

In this declaration the hatred of bribery is clearly enough to be seen, but in his letter to Montagu there is an equal display of the love of office; for while he thanks the Ambassador for letting the French Court understand that he was not personally assailable by bribes, he clearly enough permits Montagu to assume that French money, if the Confederates can be satisfied, will not be displeasing to the King—

Is firm to the Dutch alliance.

"I have nothing to add he says, as to the public, to what I writ you in my last of the 9th instant; but I am on *my own account* to acknowledge the justice you have done me to the ministers in that court, who judge others by themselves; and though I know I lose a great deal in reputation with them, to be thought one that will not make my own fortune upon any terms, yet I have the comfort of believing my credit so bad with them, that it can hardly be made worse; and I wish theirs was as little with others here, as it is with me. Upon that part of your letter to the king which speaks of money, he told me he should be glad of their money, *provided the confederates might have such terms as would satisfy them;* and if things shall at any time come to that pass, you need not fear but your advice of secrecy will be taken: and the management also will as certainly fall to your share, both for the

* Danby Letters p. 53, 54.

†"My Lord Treasurer, read the letter to me; and I said 'Well my Lord, what do you say to the offer?' He answered' that it was the same thing as if it should be made to the king to have Windsor put into the French hands, and so he should treat it; and we had nothing to do but to go on with the treaty with the confederates."—*Temple's Memoirs II.* 443.

reasons given by yourself to the king, and that I shall very unwillingly enter into a matter, which, first, I believe they will not perform; but if they should, may perhaps do the king more hurt than good."*

This is the letter of a man who propounds what he believes to be an impossibility, and uses it as an excuse. In his next he more openly shows his effort, not to stop the bribery of the King, but to shift the blame from himself, by telling Montagu that he had referred Ruvigni to the King himself. He proceeds to say -"Your intelligence concerning M. Ruvigni, has not been the least of your favours; and, hitherto, his son's steps have been very suitable to your informations; for yesterday he came to me with M. Barillon, (having given me his father's letters the day before) and discoursed much upon the confidence the French king hath of the firmness of ours to him: Of the good opinion his master hath of me; of his king's resolution to condescend to any thing that is not infamous to him, for the satisfaction of our king; How certainly our king may depend upon all assistances and supplies from his master in case the friendship be preserved.—The main of their drift, was to engage me to prevail with the Prince of Orange, as to the town of Tournay.—I answered (as is most true) that there is nothing I am so desirous of as the peace; but I thought things were gone so far, that it was only in his majesty's power the (king of France) to prevent the war, and that I would contribute to any possible expedient to that end, but that *they must apply themselves to the king himself;* and when it came to my part, I should be found to contradict nothing which might be agreed for preservation of the friendship betwixt the two kings."

Ruvigni's mission to the "Patriots."

In the same spirit he writes to Montagu again. The parliament had been adjourned for a fortnight after it had been called, chiefly with the object of bringing the pending negociations with France to some conclusion,† and Danby thus tells the

* Danby to Montagu Jan. 14, 1678.—Danby Letters p. 54. This is one of the letters on which the impeachment of Danby was founded.

† It was to have met on the 15th of January, and was postponed till the 28th. Danby though Prime Minister, does not seem to have been certain of the full causes of the adjournment, as he only expresses his belief.

CHAP. IV.

Ambassador that if something is not quickly done Parliament will have to be satisfied upon the subject. "As to the main points of peace and war, it will certainly depend upon the king of France his consenting to first propositions, our king being engaged to oppose any party that shall refuse them. Nor will the time for that consideration be much longer, since it will be impossible but the king must come to some declaration of his mind, to the parliament when it meets."

Effects of the marriage of the Prince of Orange.

But the marriage of the Prince of Orange, had altered suddenly almost every party in England. The "patriots" as they are termed, looked on it as an adhesion of the Prince to the Court, while the Court began to be the less French in its feeling. Even the Duke of York whose interest had hitherto as a Roman Catholic been on behalf of France, became more cool as to the peace, and brought Charles to the same opinion. Danby writes in the same letter to Montagu—"That which makes the hope of peace less probable is, that the duke grows every day less inclined to it, and has created a greater indifferency in the king than I could have imagined; which, being added to the French king's resolutions not to part with Tournay, does I confess make me despair of any accommodation. Nevertheless, I am assured, that one principal cause of this adjournment for thirteen days, has been to see if any expedient for the peace could have been found in that time; and the effect of the adjournment has hitherto been, that nobody will now believe other than the peace is already concluded between us and France."

The Prime Minister himself, indeed was the chief obstacle to this peace, and the French diplomatists well knew who was their enemy; for Montagu writes to him that Ruvigni the younger had written from England and "gave it as a maxim that they must diminish your (Danby's) credit before they can do any good."

Alliance of France and the Patriots against Danby.

Everything conspired to keep Danby in the intention of opposing France. The French Court had made so full an alliance with Shaftesbury, Buckingham, and the pretended country party, that they were pledged when Parliament met to make its meeting useless. As one instance of the conduct of these "patriots" it was agreed between them and Ruvigni that as

Louis did not wish the English troops recalled from France, if Charles attempted to obey the clamorous demand for their recall which the "patriots" themselves had made in a former session, they should immediately raise a cry that he wished them brought home to crush that, so long beset, but still surviving commodity, —"the liberties of England!"

Corruption of the "Patriots."

Barillon repeats a conversation with Lord Russell in which that "patriot" promised that when money was voted for a war there would be added to the vote "such disagreeable conditions to the King of England as they hoped would rather make him wish to re-unite himself with France than to consent to them."* At the same time Lord Russell undertook, in words, to the emissaries of Louis to enter into the conspiracy to destroy Danby.†

Meeting of Parliament

On the 28th of February Parliament met. The King announced his league with Holland for the safety of Flanders, and asked votes for ninety ships and thirty to forty thousand men. The anti-court faction now began to earn the money they had received from France. They desired Charles to bind France to the terms of the Treaty of the Pyrennees—one of the "disagreeable conditions" promised by Lord Russell, and the King, with reason sent them, an indignant reply. He reminded them of their importunity, and their promises, in the preceding month of May ,when all they asked was the safety of Flanders, and proferred ample and speedy aid; and as to the terms of the Pyrennees, he said that France might be asked to accept them when she was reduced to the condition she was in, when they had before, been offered—"a determination" he added, "fit only for Almighty God, since none can tell the terms of peace but he who knows the events of war."‡ After much debate they granted the ninety ships and thirty-two thousand men, adding to each vote that it was intended to preserve Flanders and reduce the power of France.

* Dalrymple—Barillon's Memorial, March 14, 1678. p. 181.

† He undertook "to support the affair against the Treasurer." Ibid page 186.

‡ Lords Journals Feby. 1. 1678. Charles, of whose composition the reply probably was, informed the Commons, very appropriately, that "nothing could delay or disappoint *new* treaties, more than the failing of the house to support those that he had made."

CHAP. IV.

Whether that this result was a disappointment to the French emissaries and French party, or that they thought the time was ripening for a disclosure, is not clear, but about this time the agreement for the destruction of Danby began to be known. Reresby says that about a week after the vote of the supplies, on the 10th of March he saw the Duke of York. "His highness," he proceeds, "told me, he was informed of a design in the House of Commons to fall upon him and my Lord Treasurer, and desired me to oppose it. My Lord Treasurer assured me of the same thing, and that it was to be done that very day. That among other articles they laid to his charge a treaty between the King and the Prince of Orange, but that, in reality, there was no such treaty, and had it been, he did not think it had been disadvantageous to England. Another of his crimes, he said, would be the advising the King to make a peace, which he never did, though it was not impossible that such a design there might be; but that if so it were, it proceeded from nothing but the king's own judgment, who was that way very much bent, if lawful it were so to say."*

Plan against Danby and the Duke of York.

The negociations as to the peace or war continued, as might have been expected, from the character and interests of the parties concerned. When the Parliament met in May, after an adjournment, the Opposition assailed the Court angrily, because the war was not declared, and voted the disbanding of the newly raised troops. They were again adjourned. In the mean time Danby had committed himself deeply by a letter to Montagu which was subsequently used at his impeachment, offering terms to France in return for money. Charles, whether reckless by the opposition of Parliament or for some other reason now impossible to ascertain, demanded of the house a large and permanent addition to his income, and that in a manner which was quite novel in his transactions with a body of which he so greatly stood in dread. Bnt he had changed his mind considerably as to the necessity of standing well with Parliament. Temple informs us that he reproached him with his "popular notions" shown in his advice for him to conciliate

Danby writes his celebrated letter to Montagu.

* Reresby's Memoirs, page 60.

Parliament.* To their votes as to religion he replied, conveying that he thought them adopted as a subterfuge—"It has been so stale a project he said, to undermine the government by accusing it of endeavouring to introduce popery and tyranny, that a man would wonder to see it taken up again. Have we forgotten, that religion and liberty were never truly lost, till they were made a handle and pretence for sedition; are we so ill historians as not to remember when prelacy was called popery, and monarchy tyranny; when the property of nobility and gentry was held to be destructive of liberty, and that it was a dangerous thing for one to have any sense of their duty and allegiance?" The House divided on two or three questions in favour of the government, and that occasion Charles chose to make his very bold demand for a permanent revenue.—"If you would see me able in any kind to influence the great conjunctures abroad, wherein the honour and safety of the nation are so much concerned, and wherein the turns are sometimes so short, as not to give me leave to call in time, either for your advice or assistances; if you would have me able but to pursue such a war as this of Algiers with honour, and, at the same time, keep such fleets about our own coasts as may give our neighbours the respect for us that has been always paid this crown; if you would have me pass any part of my life in ease or quiet, and all the rest of it in perfect confidence and kindness with you and all succeeding parliaments, you must find a way of settling for my life, not only my revenue, and the additional duties as they were at Christmas last, but of adding to them, upon some new funds, 300,000*l.* a year; upon which I shall consent than an act may pass for appropriating 500,000*l.* a year to the constant maintenance of the navy and ordnance, which I take to be the greatest safety and interest of these kingdoms." This demand, audacious as it was, and under the circumstances unaccountable, was by contemporaries attributed to Danby, and served to precipitate his fall. Burnet declares that he was from thenceforth "the most hated minister that had ever been about the King." It raised only a

Charles's extraordinary demand for revenue.

Rejected without a division.

* Temple's Memoirs, II. 446.

CHAP. IV.

storm of indignation, and was lost without a division being taken upon it.

Louis XIV. in the meantime was pursuing the war, confident of having bribed both the King and the "patriots" in England. A peace had been supposed to be settled by the delegates at Nimeguen, when suddenly Louis pretended to be bound to see that Sweden got back all that she had lost in the war, before he could restore the towns of Flanders. The States of Holland applied again to Charles, and he made a show of further assisting them, but at the same time sent a private ambassador, Lord Sunderland, to France, whose mission Louis caused to be communicated to the Commissioners of the States. The duplicity of Charles decided them at once. They entered into a separate treaty with the French King, and looked no more to the English alliance. The Prince of Orange who must have known of the conclusion of the peace, but whose hatred of France was indomitable, attacked the Marshal Luxembourg at Mons with desperate valour. The Spaniards under Villahermosa, and the English under Ossory, acted with him, and the French suffered great loss. Next day however Luxembourg announced the peace, and William was compelled to retire to Nivelles just at the moment that a dispatch arrived from Charles, exasperated at the separate peace, asking his nephew to join him in an actual war. "Was there ever," William exclaimed, "anything so hot and so cold as this court of yours? Will the King never learn a word that I shall never forget since my last passage to England, when, in a great storm, the captain was all night crying out to the man at the helm,—Steady! steady! steady!? If this dispatch had come twenty days ago, it had changed the face of affairs in Christendom, and the war might have been carried on till France had yielded to the treaty of the Pyrennees, and left the world in quiet for the rest of our lives: as it comes now, it will have no effect at all." The war was not renewed. The States-General took up Charles's abandoned office of mediation, and after a little further diplomacy, peace was restored between France, Spain, the States and the Empire. Danby, by order of Charles, applied to Louis for an instalment of the pension, but that was refused—the

Battle of Mons.

End of the War.

French King alleging truly, that the terms on which it was granted had not been observed.

The enemies of Danby, in the meantime, were gathering their strength, and the determination to impeach was again revived. The Duke of Buckingham had been re-admitted to the presence of the King, (who was always unable to dispense with entertaining satellites, no matter how debauched,) and he now openly boasted to the French agents of his determination to ruin Danby.* Shaftesbury also was actively engaged in the same pursuit. He had made submission and been discharged from the Tower after seven months' imprisonment, and was now busy to be again employed. Though the Prime Minister's enemies, however, were thus in preparation to attack him, their attention was diverted by the breaking out of the unparallelled public agitation which accompanied what is called "the Popish Plot."

Renewed favour of Buckingham.

* Montagu writes thus to Danby on this subject

"Paris, March 13, 167⅞ N. S.

"My Lord,

I hope you will not think it impertinently officious to you, or malicious to the Duke of Buckingham, if, being so real as I am in all your concerns, I give you an account of some things, which, when you know you may make what use of as you please. There came with me into England, one Mr. de la Tolade, whom I left sick of the gout; he was formerly a great acquaintance of the Duke of Buckingham, and being in England was much with him. You know, my Lord, how freely he speaks his mind, and he told this man, that he did not doubt of ruining you, and being better with the King than ever; and in order to ruin you, he had consulted his friends whether he had best make up with you or no, and that he was advised not to be friends with you, and therefore desired the King, who offered to make you friends, not to do it. Therefore pray let not your generosity or good nature ever prevail upon you enough to trust him, but be upon your guard, for if ever he can do you a mischief he will. This same man tells me that young Ruvigni by orders from the King of France, has made M. Barillon strike up a league with him, that they meet often privately, and that M. Barillon is much guided by him. The Duke of Buckingham, I find, reckons that he has the greatest part of the court for him, and owns the having a promise of being very soon again a Gentleman of the Bed-Chamber. I have had from several hands an overture of reconcilement; if not, I am to be one of the proscribed, and I intend to do with him what he resolves to do with your Lordship—that is not to make up; and if I might be worthy to advise, were I in your Lordship's place, I would do so too; for I am confident you will find his friendship as troublesome as his ill-will can be dangerous. Pray excuse this liberty from one that is entirely

"Your Lordship's,

"Most humble Servant,

"R. MONTAGUE.

* Danby Letters, 67.

CHAP. IV.

While Charles had just denounced the cry against Popery as a stale pretext, it was about to originate a tumult which rose into public frenzy, and which excited throughout the kingdom a fear and hatred that was finally quenched in a sea of innocent blood. From the time of Elizabeth the fear of Popery had been a lever to raise the mass of the people. It had been the chief agent in the troubles of the preceding reign; and the secret French alliance which was more than suspected, still further encouraged the apprehensions of the people. Since the Restoration indeed the ostensible advances of the Church of Rome in England were rapid and ostentatious. The Duke of York was an avowed Romanist, married into the house of Modena, under the auspices of Louis XIV., whose hands were reeking with the blood of the Martyrs. Charles himself was more than suspected of Romanism. He had had one Romish Prime Minister, Clifford, and Arlington, who professed the same religion, though politically powerless, was still around the Throne.

Public feeling against Romanism.

Its causes.

The Romish Ecclesiastics—that ill judging body, to whom notwithstanding myriads of instances of their frantic arrogance and childish ostentation, some writers will persist in giving the character of sagacity—flocked into the country and challenged public indignation by their imprudence in every street. The government had protested against this, perhaps inopportunely, but certainly in vain, till at length the general feeling of the public became an excellent field for the operations of designing men.

Imprudence of the Priests.

Charles, who had contracted, probably from Prince Rupert, a taste for chemistry, had admitted to his personal acquaintance, one Kirby, a professor of the above science. This man, on the 12th of August, 1678, as the King was walking in the park, suddenly warned him to keep within his company, for that he might be assassinated in that very walk. Charles despised the warning, but directed Kirby to attend him at Chiffinch's lodging, where the chemist informed him of a wide spread plot of the Roman Catholics, in which it was intended to take his life, and indicated by name a large number of persons whom he declared to be concerned; he gave as his authority, Doctor Tonge, a city clergyman, who

First intimation of Popish Plot.

was accordingly directed to attend the King. Tonge came next day, and being admitted to the presence of Charles, delivered to him a narrative of a plot, divided into three and forty heads. Charles, who from the first either disbelieved the story, or did not wish to draw public attention to the subject, directed the papers to be sent to the Prime Minister Danby. From this point we are in possession of a full and interesting narrative written by the Prime Minister himself, which is worthy of being extracted, both from its intrinsic interest, and from the fact that his conduct in the matter was made one of the subjects of the Treasurer's impeachment. Danby's narrative, as given in his memoirs, by himself, runs as follows :—

Story of Kirby and Tonge.

They are referred to Danby.

"I am not able to set down the exact days, nor is it necessary, but about the middle of August, 1678, and the very morning that the King went to Windsor that year, with the whole court, His Majesty left a pacquet with a person of quality, which was sealed up, and commanded him to carry it to the Earl of Danby, and to tell him that one Mr. Kirby would bring a gentleman to speak with him about it.

Danby's narrative of his conduct.

"The Earl opening the said pacquet, and finding therein two or three sheets of paper, containing several heads of information of danger against His Majesty, gave order immediately to the porter at his gate, that if one Kirby, did come to speak with the Earl, he should immediately be brought to him. Accordingly the said Kirby did come thither that day or the day following, and did bring with him one Doctor Tongue, who told the Earl that he had delivered some papers to the King, of great concernment. That the King had looked superficially over them, and said he was going out of town, but would send the papers to the Earl of Danby, and would have him to wait upon the Earl about them.

"The Earl showed the papers to the Doctor, and asked if those were they? Which he said they were.

His examination of Tonge.

"Question. Whether they were originals?

"Answer. No, they were copies of his (the Doctor's) writing.

"Question. Who was the author? and where were the originals?

CHAP. VI.

"Answer. He did not know the author, for that the originals (which he said were in his custody,) had been thrust under the door of his chamber, but he did not know by whom, only he did fancy it must be one that had some time before held discourse with him tending to such like matters.

"Question. If he knew where to find that man?

"Answer. No: but he had seen him lately two or three times in the streets, and it was likely not to be long before he should meet him again.

Second interview with Tonge.

"About three or four days after, the Doctor came to the Earl again, and told him he had met the man; that it did prove as he had guessed, that he owned himself to be the author, and had given him another paper of the same kind as before, numbered into heads as the first was, but desired not to have his name known to any body but the Doctor, because the papists would murder him if they knew what he was doing.

"Question. Whether the Doctor knew those men who were called "honest William," and "Pickering," who were named in those papers as men designed to assassinate the King.

"Answer. That they used to walk frequently in St. James's Park, and if any body were appointed to keep him (the Doctor,) company, it was two to one but he should have an opportunity of letting that person see one or both of them in a little time.

"Question. If he knew where they lived? for it would be necessary to secure those men forthwith.

"Answer. He knew not at that time, but would inform himself, and let his Lordship know very speedily.

Danby goes off to Windsor.

"Hereupon his Lordship went immediately to Windsor, and acquainted the King, that Doctor Tonge had been with him, according to His Majesty's directions, and informed His Majesty of all that had passed, showing also the additional papers to those which had been sent to his Lordship by His Majesty, and that he had left a servant at London, purposely to get a sight of "honest William," and "Pickering, in order to the apprehending of them, if his Majesty thought fit.

"At this time his Lordship desired the King that one of the Secretaries might send a warrant for the apprehending them-and that the matter being of such danger to his Majesty's person, some more of the council might be acquainted with it. But his Majesty would neither let the men be apprehended till he were more informed of the design, nor would he suffer the Earl to speak one word to any body of it; But on the contrary commanded the Earl should not speak of it, so much as the Duke of York; only said he would be very careful of himself till he heard more.

Advises the arrest of the parties charged.

Charles commands silence.

"The Earl went from Windsor to his house at Wimbledon in Surrey, directing that if the Doctor had anything more to say to him of that matter he should come to him thither or send away that gentleman the Earl had left to stay with him to see the men, and learn their lodgings, and to be diligent in bringing any intelligence which required haste.

"Accordingly, that gentleman did go from London to Wimbleton every day, and back to the Doctor at night, and did sometimes bring additional papers to the former, and brought information of the dwellings of honest William and Pickering; and brought word also from the Doctor, that he said he should be able to give his Lordship certain notice beforehand when any of them were to go to Windsor, of all which the Earl never failed to give his Majesty an account from time to time.

Danby informs Charles of the progress of the Plot.

"Among other informations, the Doctor went one night to Wimbledon himself, and told his Lordship that some of the intended assassinats were to go the next morning to Windsor, but that he could order it so that the Earl's gentleman should go in the same coach with them, or if the coach should be full, he might go on horseback in their company and watch them so as to give notice of their arrival, and take them more conveniently that way upon the place where they would not be able to give any account what they had to do there.

"Hereupon the Earl ordered this gentleman to observe the Doctor's directions, and went immediately himself to Windsor, where he acquainted his Majesty with all this, and order was taking for seizing these men at their arrival at Windsor; but instead of that, the gentleman brought word from the

Arranges to seize the messengers.

CHAP IV.

Doctor that something had prevented their going that day, but that they intended their journey the day following, or within two days at farthest; but then also news was brought that they were again prevented by one of their horses being slipt in the shoulder, or some such accident. Whereupon his Majesty (who before would not give credit to it) did then take it for so mere a fiction, that nothwithstanding all the Earl could say to get the business communicated to others besides himself, the King was more positive not to permit it, saying, he should alarm all England and put thoughts of killing him into peoples' heads, who had no such thoughts before.

Charles disbelieves the Plot.

"The Earl having done all that lay in his power, and having business into Oxfordshire, asked leave of his Majesty to go thither, (being but twenty-two miles from Windsor, whither he could return in half a day), and left order at Wimbleton to have anything despatched to him that should come from Doctor Tonge. Accordingly in three days after came a letter from the Doctor to the Earl, giving notice of a pacquet of letters from Jesuits concerned in the plot, which were to go to the Post-house in Windsor, directed to one Bedingfield a priest. Whereupon the Earl returned immediately to Windsor, and informed his Majesty, shewing the Doctor's letter; and his Majesty replied that there was such a pacquet had been delivered some few hours before by the said Bedingfield to the Duke of York, and that Bedingfield had told the Duke he feared some ill was intended him by the said pacquet, because the letters therein seemed to be of a dangerous nature, and that he was sure they were not the handwriting of the persons whose names were subscribed to the letters. This still begot less belief in his Majesty that there was any real plot, insomuch that I have heard the Earl say he doubted whether ever he had been permitted to produce these papers, and intelligence he had received from Doctor Tonge, if his Royal Highness had not been earnest to have the truth of those letters examined which had been brought to him by Mr. Bedingfield, by which means he got leave at the same time to produce the said papers and letters to the council; and from thence the papers have all been

The alleged pacquet of Jesuit's Letters.

Danby anticipated by the Duke.

transmitted to both Houses of Parliament, in one of which they remain at this day.

"When they were first produced to the Council, and Doctor Tonge brought thither to attest them, the Doctor then said he was sorry they had been disclosed so soon; and that it would have been much better, and more would have been discovered, if the business had been kept concealed some time longer.

"This was owned by the Doctor himself, and attested in the House of Commons by Sir Thomas Doleman, one of the clerks of the Council then in waiting; and the Doctor had often said to the Earl himself, that it would much prejudice the full discovery of it, if it were made public too soon."

Up to this time Danby had seen nothing whatever of the great author of the plot, Titus Oates. Now, however, Oates was brought before him to corroborate the story of Doctor Tonge, when prevarication and spurious passes showed clearly enough that whatever foundation in fact there may have been for the story of the plot at first, the pretended witnesses had begun thus early to embellish it with those monstrous fictions which constitute it one of the chief instances of human credulity which history records. Oates at this time, and subsequently on oath before the House of Lords, admitted that he had never before seen Danby, and that no peers were implicated but those whom he then had named, Danby not being amongst them. Notwithstanding this, however, as the plot proceeded, and Danby's credit fell, he was made the subject of a number of wild and absurd charges by both parties; the Romanists alleging that he had "met Oates at Foxhall to invent the plot," and Bedloe declaring that he had "tempted him by money to go beyond sea and not to say anything against the Queen nor the Popish Lords in the Tower," and again that he was "one of those at the Consult with the Queen in her Chapel at Somerset-House." Indeed, the charges against Danby instigated as they evidently were by Shaftesbury and Buckingham, are most absurd in their contradictions, but the most remarkable is that which alleged his complicity in the murder of Sir Edmondbury Godfrey.

Charges against Danby as to the Plot.

CHAP. IV.

Murder of Sir E. Godfrey.

The spirit of faction, not yet very scrupulous, knew in the time of Charles II. no readier weapon than charging horrible crimes; and one of the ephemeral libellers alleged, that Danby had long known of the existence of the plot,—that he had purposely concealed it from the King,—that he had allowed his Majesty (for whose life the writers of broad-sheets, seem to have been in agonies of apprehension,) to expose himself to the knives and bullets of the "bloudie papists,"; and that all this iniquity of the Prime Minister was likely to come out from the revelations made in the depositions taken by Sir Edmondbury Godfrey.* From these assumptions the writer declares it to be clear that Danby instigated the murder of the Magistrate. This accusation has not the shadow of truth; for the plot was first divulged by Tonge and Kirby "some time in the middle of August,"—the King had strictly commanded silence to Danby, telling him that he "would alarm all England and put thoughts of killing him into peoples' heads, who had no such thoughts before,"—the depositions before Godfrey, had been taken at the end of the month, and the examination of Oates before the Council, was held in September. How little concealment there was here, can be seen at a glance, and yet Dr. Lingard has not hesitated on the authority of James the Second's memoirs (a book teeming with falsehood) to revive the story of Danby's concealing the plot, that the indignation it created might operate as a diversion of the public mind from his own impeachment. Now in the first place Danby must have been a prophet to know that the plot was likely to create such a public phrenzy as Shaftesbury, by "blowing the coals," as his contemporaries express it, at length created. In the second place he dare not disobey the King's injunction to keep it quiet, and in the third place his impeachment when it came, was, as we shall see, the result of a combination of sudden accidents and odious treachery, which he could not possibly have anticipated. How depositions

Misrepresentations by Doctor Lingard.

* "Some Reflections upon the Earl of Danby, as to the murder of Sir Edmondbury Godfrey."—folio broad sheet—1678,—in the British Museum. Bound up in the same volume are a number of libels curious for their atrocity, especially one on Lord Stafford at the time of his execution.

taken by Sir Edmondbury Godfrey could be concealed by his murder, or what was to prevent the now powerful Doctor Titus Oates from going before another magistrate and delivering himself of another epic of perjury, the accusers of Danby do not inform us.*

Charles mentions the plot to the House.

Danby was not destined to struggle against the increasing "torrent," as it was properly called, of the plot. Parliament met in the month of October. Charles had retained his aversion to any noise being made about the alleged discoveries, believing probably, that it might induce some inquiry as to the state of his relations with France. To Danby he said "he would find that he had (by divulging the plot) given the Parliament a handle to ruin him, as well as to disturb all his affairs, and that he would live to repent it."†

At the opening of Parliament, Charles said "I now intend to acquaint you, (as I shall always do with anything that concerns me) that I have been informed of a design against my person by the Jesuits, of which I shall forbear any opinion, lest I may seem to say too much or too little; but I will leave the matter to the law, and in the mean time will take as much care as I can to prevent all manner of practices by that sort of men, and of others too, who have been tampering in a high degree with foreigners, and contriving how to introduce popery among us."

Probability of the story of France.

*I have been unable to find any sufficient ground to doubt that there is some truth in the account given by Prance of the murder of Sir Edmundbury Godfrey. Prance was away from his house at the time he was alleged to be absent, viz. the period of the murder,—the people of the ale-house where he said he met the conspirators, confirmed his statement of the meeting, and his maid-servant when separately examined, remembered the persons calling on him who he had said had called. Though the statement was made that he had been tortured, yet he himself denied it. There is also an appearance of truth about the narrative; and Sir Edmundbury Godfrey, it is well-known, was what is called, an active magistrate, and in that capacity had made a multitude of enemies among the lower classes. Ralph gives the following summary of the depositions of Prance—"1. The Papists, because Sir Edmondbury seemed an enemy to the queen's servants, and would not consent to discharge one Girald from parish duties (as another justice did), resolved and contrived to take away his life. 2. Pursuant to which design they hired (for what reward the deponent doth not know) Hill, Green, Kelly, the deponent, Girald, and Berry, to do the fact. 3. Accordingly, the above-named persons trepanned Sir Edmondbury into Somerset House, about eight or nine o'clock at night; but the deponent doth not well remember the day. 4. This trepan was affected thus: Green gave the deponent notice

†Danby Letters—Introduction.

CHAP. IV.

The parliament* incited by "patriotism" and French gold, was highly indignant with the Minister and the Crown. Lord Russell attempted to carry a motion that the Duke of York should be removed from the Council, but was unsuccessful. An act was passed to exclude Roman Catholics from sitting in Parliament, and remained on the statute book, (except for a short interval in the following reign,) till the year 1829. Buckingham, Shaftesbury, and their fellow patriot Oates, were now in supreme command of the fears and passions of the Houses of Parliament. Buckingham had never given up hope of being Prime Minister—and of exhibiting in the highest office at court his abilities as,

Attempt to remove the Duke of York.

Roman Catholics excluded the House.

Poet, fiddler, statesman, and buffoon.

He therefore tempered his protestanism, with a little prudent attention to Charles's private profligacy; and it is not at all improbable that the motion to remove the Queen from Court came from the same source as the proposal to kidnap her and transport her to the West Indies, which he had some years before had the audacity to propose to Charles.

Motion to remove the Queen.

All this was in more than the spirit of the Parliaments of Charles I.—but the height of intrusion on the prerogative was attained when the Commons proposed to take the command of the Militia out of the hands of the Crown. Charles

that he and Girald had set Sir Edmundbury in St. Clements; and Hill decoyed him down to the Water-gate under pretence of parting a fray between two fellows quarrelling in the yard. 5. When they had him near the rails by the queen's stables, Green strangled him with a twisted handkerchief; then finding him still alive, wrung his neck quite round, and punched him with his knee in the open yard; which done, they dragged him into Dr. Godwin's lodgings. 6. On the Monday following, precisely between nine and ten o'clock at night, the body was shown to the deponent by Hill, Green, and Girald, in a room in the back square court below stairs, next the garden: there it was (by the help of a dark lanthorn) that he, deponent, saw the body in the company of the said Hill, Green, and Girald, who were only present. 7. On the next Wednesday after, about twelve o'clock at night, the dead body was put into a sedan, and carried out by the deponent and Girald into Covent Garden, where Green and Kelly took him up, and carried him to Long Acre. There the deponent and Girald resumed their burden, and carried him to the Soho: from thence he was conveyed astride on horseback, before Hill, into the fields, where they thrust his sword through his body, and cast him into a ditch."—*Hist. of Eng.*

* Parl. Hist. IV. Oct. 21. 1678.

flatly refused to submit to this indignity, "not even," he said, "for half-an-hour." He was willing, however, to agree to restrictions being placed on a Roman Catholic successor, so as to avoid his brother's exclusion from the throne—an event which the temper of the Parliament rendered highly probable. "The Lord Treasurer," says Sir John Reresby, "had called several of us together, to consult us about an act to lessen the popish interest in this kingdom; when his Lordship told us, the King was willing something to be enacted, to pare, (as his expression was) the nails of a popish successor; but that he would never suffer his brother to be taken away from him, or the right line of the crown to be interrupted; and to the same effect the King spoke to the two houses the next day."* A covert attack was made upon Danby in the passing of a resolution "that a representation be made to his Majesty of the dangers that have and may arise from private advices, contrary to the advice of Parliament;" and another charge, which seemed heinous in the eyes of the party of Russell and Shaftesbury, was his continued indifference to the claims to credit of Doctor Titus Oates, of whom, when he passed him in his "full-canonicals," and enjoying the sunshine of parliamentary favour, and "twelve-hundred a-year," Danby was alleged to have said, what most people now will agree with,—"There goes one of the saviours of England, but I hope to see him hanged within a month." These attempts of the opposition however, were only the first mutterings of the storm that burst almost immediately upon the Minister.

Charles proposes to agree to restrictions on a Popish successor.

Despises Oates.

* Reresby's Memoirs.

CHAPTER V.

FROM THE IMPEACHMENT OF DANBY, TO HIS LIBERATION FROM THE TOWER.

Danby's power begins to totter. The Duke of York turns against him. The case of Harrington. Hypocrisy of the "Patriots." Reresby's warning to Danby. Ralph Montagu, the ambassador, at Paris, joins Russell and Shaftesbury. Comes to England. Lady Castlemaine divulges his practices, His contempt for Charles and James. His account of them. His plan to ruin Danby. To bring over a soothsayer. His hopes of the office of Treasurer. Intercepts Lady Castlemaine's Letters. Tells Louis XVI. of a plan to marry the Dauphin. Montagu arrives in London. His Treachery. His letter to Danby. Danby brings him to the King. Montagu returned to Parliament. Bargains to ruin Danby. Danby seizes his papers. Montagu's copies of letters seized by the House. Danby's Letter, March 25th, 1678. Note of Danby on this letter. Resolution to impeach Danby. Conduct of the "Patriots." Harbord, Bennett, and Powle. Algernon Sydney's letter. Articles of impeachment against Danby. Assuming "Regal Powers." Raising a standing army. The French Money. The concealing of the plot. Wasting of the Treasure. Obtaining estates. Danby's Speech in defence. His answer to the First Charge. To the Second. To the Third. To the Fourth. To the Fifth. His eloquent Speech. Determines to Dissolve the Parliament. Venality of the "Patriots." New Parliament. Danby proposes to retire. Powle's speech against Danby. Message to the Lords. Bill of attainder. Danby surrenders, and is sent to the Tower. Popular Excitement. Pleads the King's pardon. End of Danby's first Ministry. Roger North's Account. The Lords favour Danby. Charles dissolves the Parliament. Notes of Reresby. His opinion of Charles. He applies to Halifax. Letter to Lord Chesterfield. Halifax interferes for Danby. Danby's letter to Chesterfield. Chesterfield's mediation. Danby's hopes of being liberated by Parliament. House of Commons inquire into the "Secret Service Money." Nature of "Secret Service" at that time. The salaries of the Ministers so designated. Danby's account of the disbursements.

CHAP. V.

Danby's power begins to totter.

DANBY'S hold upon power had been loosening gradually. With all his attachment to the Church of England, and hostility to the power of France, he had allowed himself to obey the King in matters quite opposed to both; yet, not prepared to follow the course of the Duke of York, for the restoration of the Roman Catholic religion, he had raised the hostility of that Prince whose power over Charles was, almost at all times, paramount during the last ten years of his reign.

CHAP. V.

James, the two prevailing characteristics of whose mind were about the very worst that could possibly be found in company,—suspicion and obstinacy, began at the end of 1678 to believe that Danby was secretly of opinion that he ought to leave the Court, and that he would advise his brother to require him to do so. Writing in November in that year, Reresby remarks, "A jealousy now seemed to arise between the Duke and the Lord Treasurer. The Duke thought his Lordship was within himself for his leaving the Court, that so he might have the King more absolutely in his own power; and My Lord (though I believe he endeavoured to serve the Duke all he could, though no friend to his religion), resented the Duke's suspicion."*

The Duke of York turns against him

An unavailing attempt had been made against Danby on the case of one Harrington, who had professed to give evidence of the existence of a system by which the King's subjects in Scotland were entrapped and sent to France to serve in the troops of Louis XIV. Harrington seems to have hoped for an importance and notoriety, in those days of revelations and discoveries, which he did not succeed in attaining; for he was, after examination by the Council, committed to the tower for subornation of perjury. His complaint of having been "very ill-used by the Lord Treasurer," at the examination, was entertained by the house, but without any favourable effect; for Harrington was remanded back to prison.†

The case of Harrington

* Reresby's Memoirs,—p. 70.

† I think it right to give this narrative as I find it related by Ralph. It is evidently a very prejudiced account, and the fact of the Scotch soldiers being perjured, might well support the charge of subornation. "One Mr. Harrington, the son of a cavalier who had suffered much in the Royal cause, while the House was sitting, happened to meet with two Scotsmen returned from abroad, who complained that they had been pressed out of Scotland into the French King's service; and that there were several hundreds of their countrymen as well as themselves who had been forced from their houses, wives, and families, bound together, and so like Gulley-slaves secured in the public gaols, their friends and relations not being suffered to come near them, and from thence put on Shipboard, and transported into the service of France, contrary to the addresses of Parliament, his Majesty's answers thereunto, Proclamation thereupon, and, what is of more authority than all the privilege of nature itself, that exempts every man alike from being forced into a danger in which he has no concern.

Harrington's Narrative.

Mr. Harrington was touched with their case, and thinking himself happy in an opportunity that bid fair to put a stop to those supplies which were sent almost daily to France, brought these Scotsmen to several Members of Parliament, to whom they evidenced the same things. His view was to have them examined at the Bar of the House, when time

CHAP. V.

Great activity was displayed in many directions to get up more serious charges against the Prime Minister; and when we consider the party by whom these causes of impeachment were sought,—the abject pensioners of a foreign crown—the men personally and politically guilty of the grossest hypocrisy in talking of their hopes of a common-wealth and pocketing the money of the greatest despot of modern times—it is indeed astonishing to find that their charge against Danby was that he was the servant of France. The residents of Foreign powers in England were solicited to find out grounds for charging him with French leanings, but so careful was he of permitting the notion to take root, that he insisted on explanation from those who propagated the rumour. Reresby in his Memoirs says, "The Duke of Holstein's resident had it seems reported the Lord Treasurer to be in the pay and pension of France. Thus at least had

Hypocrisy of the "Patriots."

should serve, and in the mean while, fearing that endeavours might be used to corrupt them, he carried them to a Master in Chancery, who took their depositions upon oath. This was scarce done, before he was seized by a messenger, carried before the King and Council, and accused of suborning those Scotsmen to disturb his Majesty's Government. While under examination he was not well treated by the Lord Chancellor, (these are his own words) and extremely ill by the Lord Treasurer; and upon the issue, was committed close Prisoner to the Tower, (the cause assigned in the warrant being for subornation of perjury, tending to the defamation of his Majesty and his Government, and for contemptously declaring he would not answer his Majesty any question which his Majesty or his Privy Council should ask him); debarred the use of pen and ink, the access of his friends, confined in such a place over the Tower-ditch as threw him into a dangerous sickness and denied the assistance of either Physician or Divine; after all this, he made a hard shift to get a petition presented to the House of Commons, which produced an order for his being brought before the House, before whom he gave a clear account of the whole matter, and of his behaviour at the Council-board.

But of the two Scots soldiers, the one made himself perjured without being suborned by Harrington, denying or misrepresenting to the House what he had sworn formerly. And the other, the honester fellow, it seems of the two, only absented. However divers members of that House attested voluntarily that the soldiers had affirmed the same thing to them: and indeed the truth of that matter became notorious by several other soldiers that came over afterwards, and by further accounts from Scotland. Mr. Harrington also carried himself towards the House with so much modesty, that it seemed inseparable from him, so that a disposition appeared in the Members to have concerned themselves for his liberty, when Mr. Secretary Williamson stood up, having been a principal instrument in committing him, and, because the other crimes rather deserved thanks and commendation, and the warrant would not justify itself, he insisted upon his strange demeanour towards his Majesty, deciphered his very looks, says Mr. Marvel, and but that his Majesty and the House remained still living flesh and blood, it might have been imagined by his discourse, that Mr. Harrington had the head of a Gorgon. But this story so wrought with, and amazed the Commons, that the prisoner found no redress, but might thank God that he escaped again into close prison." Ralph's History of England, Vol. I. p. 311.

his Lordship been informed, and sending for him, he sent for me also to be present at the examination; but the Resident absolutely denied what was laid to his charge. To make amends for this, I, a few days after acquainted his Lordship that the same gentleman had assured me the Commons would most certainly fall upon him, and that it was in his power to turn the edge of one that was most violent against him, I told him also, that I had from other hands been informed that my cousin Ralph Montagu, since Lord Montagu, lately recalled from being ambassador in France, and now Member of our House, would accuse him there. But My Lord gave no ear to either of these, saying, the latter durst not impeach him, for that he had letters to show from him while ambassador, that would prove how officious he was to persuade him to accept of the French King's money, though he absolutely refused it."*

Reresby's warning to Danby.

Ralph Montagu, who has been consigned to infamy by his treachery and dishonour in delivering up the private letters of Danby, to whom he previously professed such slavish reverence and affection, had long been ambitious of the office of Secretary of State, which was held by Sir William Coventry. He had urged his claim to Danby, and endeavoured, by questionable services, to make himself necessary to the King. His anxiety for the Secretary's place, is traceable in all his letters to the Prime Minister, whose partiality to Sir William Temple was notorious, and whose power was still supposed to be great with the King. By fair means, however, Montagu found he could not succeed, and finding the prize passing from him, he determined to apply himself to the very persons of whose intrigues with Ruvigni the younger, he had warned Danby, namely, Russell, Buckingham, and Shaftesbury. While he was planning how to proceed against the minister most effectually, a sudden outfall with Lady Castlemaine, (then Duchess of Cleveland,) who had carried her presence and practices to Paris, after her difference with Charles, decided him to quit his embassy suddenly and join his friends in England, in the trade of patriotism. The cause of this out-

Ralph Montagu, the ambassador at Paris, joins Russell and Shaftesbury

Comes to England.

*Sir J. Reresby's Memoirs, p. 72.

CHAP. V.

fall with the cast-off mistress, gives a shocking picture of the manners of the times. Lady Castlemaine had a daughter with her in Paris, Lady Sussex, supposed to be the child of Philip, the second Earl of Chesterfield, with whom, when Miss Villiers, she had had a criminal intimacy before her marriage,* but which child Charles chose to adopt as his own. To Lady Sussex, the ambassador Montagu addressed his admiration, to the neglect of an intrigue which he had for some time pursued with her mother; and the latter possessing fatal secrets of his conduct towards the King and the Duke of York, prepared to divulge them. She writes accordingly, under date of the end of 1678, disclosing the whole she knew of the conduct of Montagu ;—†

Lady Castlemaine divulges his practices.

"I was never so surprised in my whole life, as I was at my coming hither, to find My Lady Sussex gone from my house and monastery where I left her, and this letter from her, which I here send you a copy of. I never in my whole life time heard of such government of herself as she has had since I went into England. She has never been in the monastery two days together, but every day gone out with the ambassador, and has often lain four days together at my house, and sent for her meat to the ambassador, he being always with her till five o'clock in the morning, they two shut up together alone, and would not let my Maistre d' hotel wait, nor any of my servants, only the ambassador's. This has made so great a noise at Paris, that she is now the whole discourse. I am so much afflicted, that I can hardly write this for crying, to see a child that I doted on as I did on her, should make me so ill a return, and join with the worst of men to ruin me."

Having thus summed up to the King the supposed cause of Montagu's enmity, from which she feared much, probably from his power of making disclosures, in return; she goes on to soften the effect of his information :—

"For sure never was malice like the ambassador's that only because I would not answer to his love, and the impor-

* Letter from Lady Ann Hambleton, and Mrs. Villiers to Lord Chesterfield, in 1667. Letters of Philip, second Earl of Chesterfield, p, 88. See also Grammont.

† This letter is to be found in Harris's Charles II. Vol. V. but the extracts I have given above, constitute almost the whole letter.

tunities he made to me, was resolved to ruin me. I hope your Majesty will yet have that justice and consideration for me, that though I have done a foolish action, you will not let me be ruined by this most abominable man. I confess to you that I did write a foolish letter to the Chevalier de Chatillon, which letter I sent enclosed to Madame de Pallas, and sent hers in a pacquet I sent to Lady Sussex, by Sir Henry Tichborn, which letter she has either given to the ambassador, or else he had it by his man, to whom Sir Harry Tichborn gave it, not finding my lady Sussex. But as yet I do not know which of the ways he had it, but I shall know as soon as I have spoken with Sir Harry Tichborn, but the letter he has, and I doubt not but he has, or will send it to you. Now all I have to say for myself is, that you know as to love, one is not mistress of oneself, and that you ought not to be offended at me, since all things of this nature are at an end with you and I, so that I could do you no prejudice; nor will you, I hope, follow the advice of this ill man, who, in his heart, I know hates you, and were it not for his interest, would ruin you if he could."

So far in defence of her own escapade with the Chevalier de Chatillon; but now she goes on to make revelations as to Montagu's language and practices concerning Charles and his brother, which have more effect on the political history of the time. Charles, like all his family, was given to superstitious belief, and if it is true that the fortune-teller here alluded to, did, as is said, prophecy in the depths of the King's poverty and exile, not only the restoration, but the date of its occurrence, he may be excused, considering the manners of the time, for putting some faith in him in other matters. The project to ruin Danby, by bringing the fortune-teller into England to prophecy against him, and the attempt to be revenged on the Chevalier de Chatillon, by attributing to him the project of marrying Charles's niece to the Dauphin, which we have seen he himself proposed to Danby, prepare us for the conduct which Montagu displayed in delivering up the letters of the minister, and assisting the impeachment.

His contempt for Charles and James.

"For he has neither conscience nor honour, and has several times told me that in his heart he despised both you and

CHAP. V.

your brother, and that for his part he wished the Parliament would send you both to travel; for you were a dull governable fool, and the Duke a wilful fool. So that it were yet better to have you than him, but you always chose a greater beast than yourself to govern you. And when I was to come over, he brought me two letters to bring to you, which he read both to me before he sealed them. The one was a man's that he said you had great faith in, for that he had at several times foretold things to you that were of consequence, and that you believed him in all things like a changeling as you were; And that now he had wrote you word that in a few months the King of France and his son were threatened with death, or at least with a fit of great sickness, in which they would be in great danger, if they did not die; and that therefore, he counselled you to defer any resolutions either of war or peace, till some months were past; for that if this happened, it would make a great change in France. The ambassador after he had read this to me, said, "now the good of this is," said he "that I can do what I will with this man, for he is poor, and a good sum of money will make him write whatever I will." So he proposed to me that he and I should join together in the ruin of My Lord Treasurer and the Duchess of Portsmouth, which might be done thus."

His account of them.

Here follows the plan of importing the fortune teller to prophecy that Danby must be dismissed.

His plan to ruin Danby.

"The man, though he was infirm and ill should go into England, and there ater having been a little time, to solicit you for money; for that you were so base, that though you employed him you let him starve, so that he was obliged to give him £50, and that the man had writ several times to you for money. 'And,' says he, 'when he is in England, he shall tell the King things that he foresees will infallibly ruin him; and so wish those to be removed as having an ill star, that would be unfortunate to you if they were not removed;' but if that were done he was confident you would have the most glorious reign that ever was. 'This,' says he, 'I am sure I can order so as to bring to good effect, if you will. And in the mean time I will try to get Secretary Coventry's place which he has a mind to part with, but not to Sir W. Temple,

To bring over a Southsayer.

because he is the Treasurer's creature,* and he hates the Treasurer; and I have already employed my sister to talk with Mr. Cook, and to mind him to engage Mr. Coventry not to part with it as yet, and he has assured My Lady Harvy he will not. And My Lord Treasurer's lady and Mr. Bertie are both of them desirous I should have it. And when I have it I will be damned if I do not quickly get to be Lord Treasurer; and then you and your children shall find such a friend as never was. And for the King I will find a way to furnish him so easily with money for his pocket and his wenches, that we will quickly out Bab May, and lead the King by the nose.'

His hopes of the office of Treasurer.

"So when I heard him out, I told him I thanked him, but that I would not meddle with any such thing; and that for my part I had no malice to My Lady Portsmouth, or to the Treasurer, and therefore would never be in any plot to destroy them. But that I found the character which the world gave of him was true; which was, that the devil was not more designing than he was, and that I wondered at it, for sure all these things working in his brain must make him very uneasy, and would at last make him mad. 'Tis possible you may think I say all this out of malice. 'Tis true he has urged me beyond all patience, but what I tell you now is most true, and I will take the sacrament on it whenever you please. 'Tis certain I would not have been so base as to have informed against him for what he said before me, had he not provoked me to it in this violent way that he has.

"There is no ill thing which he has not done to me and that without any provocation of mine, but that I would not love him. Now as to what relates to my daughter Sussex and her behaviour to me, I must confess that afflicts me beyond expression, and will do much more, if what he has done be by your orders. For though I have an entire submission to your will, and will not complain whatever you inflict upon me; yet I cannot think you would have brought things to this extremity with me, and not have it in your nature ever to do cruel things to any thing living. I

*Coventry seems to have hawked his place for sale in several places. See Philip, Earl of Chesterfield's Letters.

CHAP. V.

hope therefore, you will not begin with me, and if the ambassador has not received orders from you, that you will severely reprehend him for this inhuman proceeding.

Besides he has done what you ought to be very angry with him for, for he has been with the King of France and told him that he had intercepted letters of mine by your order; by which he had been informed that there was a kindness between me and the Chevalier de Chatillon, and therefore you bade him take a course in it, and stop my letters, which accordingly he has done. And that upon this you ordered him to take my children from me, and to remove My Lady Sussex to another monastery; and that you was resolved to stop all my pensions, and never to have any regard to me in any thing. And that if he would oblige your Majesty, he should forbid the Chevalier de Chatillon ever seeing me upon the displeasure of losing his place, and being forbid the court, for that he was sure you expected this from him. Upon which the King told him, that he could not do anything of this nature, for that this was a private matter, and not for him to take any notice of. And that he could not imagine that you ought to be so angry, or indeed be at all concerned; for that all the world knew that now all things of gallantry were at end with you and I. And that being so, and so public, he did not see why you should be offended at my loving any body. That it was a thing so common now-a-days' to have a gallantry, that he did not wonder at any thing of this nature.

Intercepts Lady Castlemaine's letters.

And when he saw the King take the thing thus, he told him if he would not be severe with the Chevalier de Chatillon, upon your account he supposed he would be so upon his own; for that in the letters he had discovered, he found that the Chevalier had proposed to me the engaging of you in the marriage of the Dauphin and Mademoiselle; and that was my greatest business into England. That before I went over I had spoken to him of the thing, and would have engaged him in it, but that he refused it; for that he knew very well the indifference you had, whether it was so or no, and how little you cared how Mademoiselle was married: that since I went into England it was possible I might engage somebody or other in this matter to press it to you; but that he knew

Tells Louis XIV. of a plan to marry the Dauphin.

very well that in your heart you cared not whether it was or no, that this business setting on foot by the Chevalier. Upon which the King told him, that if he would show him any letters of the Chevalier de Chatillon to that purpose, he should then know what he had to say to him: but that till he saw those letters, he would not punish him without a proof for what he did. Upon which the ambassador shewed him a letter, which he pretended one part of it was a double entendre. The King said he could not see that there was anything relating to it, and so left him, and said to a person there, sure the ambassador was the worst man that ever was; for because My Lady Cleveland will not love him he strives to ruin her the basest in the world, and would have me to sacrifice the Chevalier de Chatillon to his revenge; which I shall not do, till I see better proofs of his having meddled in the marriage of the Dauphin and Mademoiselle, than any yet the ambassador has showed me. This methinks is what you cannot but be offended at, and I hope you will be offended with him for his whole proceeding to me, and let the world see you will never countenance the actions of so base and ill a man.

Proposed Marriage of Charles's Niece.

I had forgot to tell you that he told the King of France that many had reported that he had made love to me, but that there was nothing of it; for that he had too much respect for you to think of any such thing. As for My Lady Sussex, I hope you will think fit to send for her over, for she is now mightily discoursed of for the ambassador. If you will not believe me in this, make enquiry into the thing, and you will find it to be true. I have desired Mr. Kemble to give you this letter and to discourse with you at large upon this matter to know your resolution, and whether I may expect that justice and goodness from you which all the world does. I promise you that for my conduct, it shall be such, as that you nor nobody shall have occasion to blame me. And I hope you will be just to what you said to me, which was at my house, when you told me you had letters of mine. You said, Madam, all I ask of you for your own sake is, live for the future as to make the least noise you can, and I care not who you love. Oh! this noise that is, had never been,

CHAP. V.

had it not been for the ambassador's malice. I cannot forbear once again saying I hope you will not gratify his malice in my ruin.* "

Montagu arrives in London.

Montagu, aware that Lady Castlemaine had written to the King an account of his practice, quitted his embassy without permission and started for London. He took his journey with the matured object of ruining the Earl of Danby; by an alliance with Russell and the opposition, and by divulging the money letters sent to France, and gave on his arrival, another touch to the picture of villainy, which his conduct exhibited by applying to Danby to obtain for him a public admission to the presence of the King. This he sought with two objects, in the first place to obtain pardon for having quitted his post without permission, and in the second to give weight to his own character in the charge he contemplated making against the Prime Minister, by avouching the favour of Charles. Danby has preserved the following letter on the occasion—

His Treachery.

"August 1678. Monday, Nine at night.

His letter to Danby.

"My Lord,

According to the leave you are pleased to give me to trouble you in my concerns, I take the liberty to acquaint you, that Mons. de Barrillon and Ruvigni said in some company, and a man that was there came in kindness and told me, "*quoique M. de Mountagu a echappè la Tour le Roi le mettera hors du conseil.*" There is nothing the King can do to me so bad as that, for it keeps me from coming to Court surer than anything; wherefore I beg the continuance of your Lordship's favour to me; and that between this and Wednesday you will be pleased to find out by the King if he intends any such thing. Your Lordship's taking me into your protection, is enough to put a stop to it, and to oblige me to all the acknowledgments whereby I may shew the service and respect I owe you who am,

"My Lord, your Lordship's most obedient
and humble Servant,
†R. MONTAGU.

* Harris's Life of Chas. II. Appendix 373—378 from the Harleian MSS.

† Danby Letters, p. 92. To this letter Danby adds in 1711 the following comment;—

CHAP. V.

Montagu thus prepared, succeeded in being returned to Parliament for Northampton, and arranged according to Barillon, a business-like bargain for the ruin of Danby. The French Minister writes that he called upon him and stated that he thought the disgrace of the Treasurer was worth a hundred thousand pounds to the King of France, and that if he succeeded he should expect to be paid that sum. "As your Majesty (Barillon goes on to write to Louis) has commanded me to do every thing that is possible to occasion troubles to the King of England, it does not appear to me that any thing could possibly happen more disagreeable to him, than to see the man accused in Parliament, in whom he has reposed the care of affairs and the government of the kingdom for two years. The Treasurer's enemies, who are very numerous, will take courage, and it is not impossible that the Duke of York may abandon him, and turn against him."* Danby was not long in ignorance of this plot, Sir John Reresby and other persons had warned him of the cause of Montagu's journey to England, and he determined to strike the first blow. Sir William Temple had lately written from the Hague that the Swedish ambassador there, informed him of a secret treaty and correspondence between Montagu and the Nuncio at Paris. Judging from Danby's reply to Temple this proceeding of Montagu's fully amounted to treason.† Acting on this knowledge, and hoping to possess

Montagu returnd to Parliament

Danby brings him to the King.

"August, dated only Monday nine at night, being come privately to London without the King's knowledge; and I not suspecting his designs against me, did solicit the King, and prevailed with him to let him see him and kiss his hand, which he did accordingly in private, by my introduction at a house then called Hambden House adjoining to the Cockpit. About a month after that time I had several private informations given me of his secret intriguing with several Parliament men, and of the French ambassador Barillon being always privy to those private negociations; and two gentlemen who were then of that Parliament, owned to me that he had shewed them my letter of 25th March, above two months before he produced it to the Parliament; and there are at this time many living witnesses of his almost daily meetings with M. Barillon at his sister the Lady Harvey's house, when I was under the accusation of the Parliament for being in the French interest; and when I sent his two letters dated the 11th and 18th January 1678, to the House of Commons to have been read there, I was refused to have that small piece of justice done me." Danby Letters 107.

* Dalrymple I. 249.

† Writing of Temple's Letter, he says, "I showed it immediately to His Majesty, who is thereby made very desirous of getting all the information he can possibly, of what is yet but darkly hinted by M. Olivencranz. You say he read to you a list of several persons

CHAP. V.

themselves of the letters he had brought with him, Charles and Danby suddenly caused the ambassador's papers to be seized, and promptly communicated the fact to the House of Commons in the following message. "His Majesty having received information that his late ambassador in France, Mr. Montagu, a member of this house, had held several private conferences with the Pope's nuncio there, has, to the end that he may discover the truth of the matters, given orders for the seizing of Mr. Montagu's papers." Montagu was too accomplised a diplomatist to be thus defeated. On the delivery of the message he stood up in the House and declared his belief that the true cause of seizing his papers was to get possession of "some letters of consequence that he had to produce of the designs of a great Minister of State."* He went on to state, however, that he still preserved copies of the important letters in a certain box, and Lord Russell truly enough declared, that Montagu had communicated to him and his friends the whole purport of the letters. Upon this the House immediately came to the following resolution; "Mr. Montagu acquainting the House that he had in his custody several papers which he conceived might tend very much to the safety of His Majesty's person and the preservation of the kingdom, Ordered, that the Lord Russell, &c., do take Mr. Montagu's directions, and repair immediately to the place where the said writings are lodged, and bring the same to the House."† Lord Russell and others accompanied by Montagu whom Danby had thoughtlessly postponed arresting, proceeded accordingly to seize and break open a box of which the King's messengers had taken the key.

Danby seizes his papers.

Montagu's copies of letters seized by the House.

designed for great offices, &c... But it is not plain, whether that was a list he had lately from England, or some other list he knows of, because he said he was sure the design was not only against his Majesty and kingdom, but against all other protestant princes and states; and the designs of the papists against the protestant religion in England had been long a brewing. As for what concerns Mr. Montagu, I perceive His Majesty knows nothing of his conferences with the pope's nuncio; and for what M. Olivencranz supposes might have been the occasion of these conferences, viz. a treaty of marriage between the King of Spain and the Duke of Orleans's daughter, His Majesty says, that he never entered into any such treaty, nor ever gave Mr. Montagu any instructions about it."—Danby to Temple, Nov. 22. 1678. Danby, 266.

*Burnet Vol. II. 175. †Commons Journals 559.

From the papers it contained, they directed Montagu to select such as he would rely upon to prove his charge against the Treasurer; he selected accordingly Danby's letters of Jany. 16th, and March 25th in the current year 1678. The latter was the famous letter written by command of the King, (whose postscript by the way, Montagu omitted in his copy,) and ran as follows:

"London, 25th March, 1678, o. s.

"Sir,

Danby's Lotter, March 25th 1678.

"Since my writing to you by Mr. Brisbane, the resolutions have been altered as to the sending you instructions as yet for the proposing any thing to the French King. The particulars which will be consented to on the part of the confederates (and of which this is a copy) will be communicated to you by Mr. Secretary Coventry; but you will have no other direction from him about them, but only thereby to be enabled to find the pulse of that King (or his Ministers at least), against the time that you shall receive orders to make the proposals to him.

"That you may know from whence the nicety of this affair proceeds, it is necessary to inform you, that for fear of its being ill resented by the Parliament here, the King will not make any proposal at all of peace, unless he shall be pressed to it by the confederates. And although by Mr. Godolphin he is sufficiently informed that they desire the Peace upon the terms sent you by the Secretary, yet, not having received that desire formally, the Council will not advise His Majesty to let his ambassador propose that which he is not formally impowered to make good; and so by staying for that formal power which by letter His Majesty is sufficiently authorised to propose, the time will be lost of effecting the Peace, if at all it can be had. To supply this defect therefore, and to prevent the King's sending again into Holland, before he knows the mind of France, I am commanded by His Majesty to let you know that you are to make the propositions enclosed to the King of France, and to tell him that the King will undertake for the seeing them made good on the part of Spain and Holland, in case they shall be accepted by him; and in your answer you must write the same thing to the

CHAP. V.

Secretary by way only of having felt the King's pulse, which you must do the King, as a full answer from the King of France, and such a one as the King may depend upon whatever that shall be. For the more dexterous management of this matter, the King is advised to show those propositions to M. Barillon, but not to give him a copy, so that by the strength of memory it is expected he shall write to his master, and by that means only are we to hope for an answer to a matter of this vast importance; and consequently you may imagine what a satisfaction we are like to reap from it when it comes. I doubt not but by your conduct it will be brought to a speedy issue, which is of as great importance as the thing itself, there being no condition worse for His Majesty than his standing unresolved betwixt peace and war. I find by M. Barillon, that it is like some places which are dependencies upon greater towns, may be demanded by the King of France, but if he intend the peace, (which, you will do very well to know his mind fully in,) you may justly say, you hope he will neither stand upon one single place, (though a fortified one,) nor upon any place unfortified which is a dependent upon those which are to be restored to Spain. And if anything should be mentioned about Sicily to remain in the French hands until the peace of Sweden were concluded, you are only to say that you are not empowered to say anything upon it, and you are confident the King has done all he could to get the utmost propositions they would consent to, only you are to say, that the King has again sent about Conde, not being well satisfied that they have not left it in his power to give or refuse, as he should have found it convenient, and hopes still for some good answer. In case the conditions of peace shall be accepted, the King expects to have six millions of livres a year, for three years, from the time that this agreement shall be signed betwixt His Majesty and the King of France, because it will probably be two or three years before the Parliament will be in humour to give him any supplies after the making of any peace with France; and the ambassador here has always agreed to that sum, but not for so long time. If you find the peace will not be accepted, you are not to mention the money at all, and all

possible care must be taken to have this whole negociation as private as is possible, for fear of giving offence at home, where, for the most part, we hear, in ten days after, of any thing that is communicated to the French ministers.

"I must again repeat to you, that whatever you write upon this subject to the Secretary, (to whom you must not mention a syllable of the money,) you must say only as a thing, that you believe they would consent to, if you had power formally, to make those propositions. Pray inform yourself to the bottom, of what is to be expected from France, and assure them that you believe this will be the last time that you shall receive any propositions of a peace, if these be rejected, (as indeed I believe it will,) so that you may take your own measures, as well as the King's upon it.

I am, My Lord,
Your Excellencies, &c.,
DANBY."

* "This letter is writ by my order, C. R."

* Danby Letters, p. 72. To this letter, Danby, in 1711, puts the following note:— "March 25th, 1678. This is the letter on which I was impeached in Parliament, and to which no Englishman could have taken the least exception, unless it were to that part which relates to the money; and yet as to that part of it, it was only writ in obedience to the King's commands, who signed the instructions of that letter, as he might legally do under the limitations therein given himself. But in the same letter I both writ, that if the propositions for a peace which were then sent to Mr. Montagu, were not accepted, there should be no mention made at all of the money. And what I writ therein as from myself, and not from the King was, that I did believe that those propositions would be rejected; and that therefore he might take his own measures as well as the King's upon it. And accordingly those proposals about the money were never made, nor did the King ever receive a farthing after that, notwithstanding all the assurances Mr. Montagu, had so often repeated to him, of having at least four millions after any peace should be concluded. And in his answer to my said letter of 25th of March, 1678, (which is dated April 11, (N. S.,) instead of thinking the King's demands of six millions of livres to be any crime, he speaks how inconsiderable a sum that demand is, in comparison of the advantage they have received, and our master hath suffered for their sakes. And Sir William Temple takes notice in his letter of the 27th January, 1678-9, from the Hague, that the foreign ministers there, did wonder it should be thought a crime in any minister to get money for his master from any other Prince, when he was to do nothing for it but to consent to such a peace as his allies desired; and yet in the King, my master's case, he thought the peace the confederates made within four months after, was so bad a one that it was never signed by the English plenipotentiaries, which gave the French King a just cause to have refused the King any money if even it had been demanded; and yet that clause in my letter was made an article of treason against me, who am only sorry to say that the King did not get the money, although Mr. Montagu would have deserved much the greatest thanks for it." *

Note of Danby on this letter.

* Danby Letters, 103.

CHAP V.

Resolution to impeach Danby.

On the reading of this letter, the House resolved to impeach Lord Danby, by a majority of a hundred and seventy nine to a hundred and sixteen.

As soon as this result was communicated to the minister, he transmitted to the House of Commons letters of Montagu, in which he himself had urged these very arrangements with the Court of France, and tempted Charles with still more money than Barillon had offered.* Charles also sent to the House of Commons further letters of Montagu to justify the seizure of his papers on the ground of correspondence with the Nuncio. These efforts of the King and Minister were however in vain. The patriot party were in the remarkable position of ruining Danby by charging against him complicity with France, the money of which as appears by Barillon's accounts, most of

Conduct of the "Patriots."

* Danby, in his "memoirs," (which he writes in the third person,) defends himself on the ground that the terms of peace were to be accepted as the conditions precedent to any money, passing, "as to that part of the letter which says 'In case the conditions of Peace shall be accepted, the King expects to have six millions of livres a year, for three years, from the time that this agreement shall be signed between His Majesty and the King of France, because it will probably be two or three years before the Parliament will be in humour to give him any supplies after the making of any peace with France,' it is so presently followed with this clause, 'But if you find the peace will not be accepted, you are not to mention the money at all;' and so soon after with this further clause, 'that you believe this will be the last time that you shall receive any propositions of a peace, if these be rejected, as you believe they will,' that it cannot be thought to have any dangerous meaning in it, nor any great hopes of getting the money. But that it may the more fully be understood, you shall find by Mr. Montagu's letter of the 18th January, 1677-8, which was read in the House of Commons, (for which I refer to His Lordship's volume, viz.,) 'If the King is for a war, you know what to do, if he hearkens to their money, be pleased to let me know what they offer, and I dare answer to get our master as much again; for Barillon's orders are to make the market as low as he can.'"

"Now, as offers of money had often been made both by Mr. Montagu and Monsieur Barillon, for a Peace upon French conditions, and six million of livres had been offered by Monsieur Barillon for one year; so, Mr. Montagu having informed the King, that whatever Monsieur Barillon should offer, he could get as much again, his Majesty was resolved to try Mr. Montagu's power, in case the French would consent to the Confederates conditions; and in addition to Mr. Montagu's own interest in moving the French King to give the six millions for more years than one. His Majesty thought it might be a good motive, without prejudice to the Parliament or nation, (which would have saved their own money thereby), to say it would probably be two or three years before the Parliament would be in humour to give him any supplies, after having made any peace with France.

"The reason why nothing was to be said to the Secretary concerning the money, was because Mr. Montagu, in a former letter to the King himself, had desired that he would acquaint nobody but the Earl of Danby with the business of the money; so that he found that employment for the Earl, of which he thought fit after to accuse him."

them had actually in their pockets at the time.† Never perhaps, did any political party appear before the world in a more disadvantageous light. The agitators against Danby, as Dalrymple has shown, were hired by Louis to ruin him. Montagu's infamy throughout, is one of those things, which in description, are like axioms in science—no words can adequately convey their nature. His flattery of Danby was only equal in intensity to the hatred he entertained for him. Of this the House of Commons had ample proof. But Powle, Harbord, Titus, Bennet, and the rest, had received their fees and must discharge their duty of advocacy. Lord Russell knew of their shameless venality, and of the great iniquity of Montagu, and chose to go down to posterity as their friend and associate; hatred being as strong a bond as love. Perhaps even the House of Commons never saw so great a scene of hypocrisy as when the patriots rose in indignation at Danby's French alliance to support the charges of the impeachment—Titus for his five hundred guineas,—Bennett for his three hundred,—and Harbord, thought also worthy of five, as having, according to Barillon, "greatly

Harbord, Bennet, and Powle.

†"State of the money employed by M. Barillon, ambassador, from Louis XIVth in England, since the 22nd December, 1678."

By the memorial which I sent to court the 22nd December, 1678, I had remaining in bills of exchange and ready money, the sum of £21,915 16s. 7d. sterling, which makes in French money, 292,211 livres.

Since the said 22nd December, to this day 14th December, 1679, I have given, to wit, to the Duke of Buckingham 1,000 guineas, which makes £1087 10s. sterling.

To Mr. Sidney 500 guineas, which makes £543 15s. sterling.

For the support of the Sieur Bulstrode, in his employment at Brussels, 400 guineas, which makes £435 sterling.

To the Sieur Baber 500 guineas, which makes £543 15s. sterling.

To the Sieur Lyttleton 500 guineas, which makes £543 15s. sterling.

To the Sieur Powle 500 guineas, which makes £543 15s. sterling.

To the Sieur Harbord 500 guineas, which makes £543 15s. sterling.

Total of the expense made to this day, 14th December, 1679, £1,241 5s. sterling, which makes in French money 56,550 livres.

The 22nd December, 1678, I had remaining £21,915 16s. 7d. sterling, which makes in French money 292,211 livres.

Since the said 22nd December, I have given £1,241 5s. which makes in French money 56,550 livres.

Thus I have remaining this 14th December, 1679, only the sum of £17,674 11s. 7d. sterling, which makes in French money, 245,661 livres: of which sum I have in ready money £2,674 11s. 7d. sterling, which makes in French money, 36,661 livres. The remainder, which is £15,000 sterling, or 209,000 livres of French money, is in bills of exchange, which have not been negotiated.

CHAP. V.

contributed to the ruin" of the "Conte de Danbi."* Algernon Sydney, who by some unexplained process, was to advance the "republic" by taking French money, relates that "no men (i. e. Danby and Lauderdale, whom he maliciously couples together) were ever less pitied in their fall than they,"† and doubtless he was right. The hirelings of France could not be expected to have much regret for a result which they had accepted bribes to bring about.

	Guineas.
William Harbord, "Qui a beaucoup contribué à la ruine de Comte de Danbi,"	500
Mr. Hamden son of the patriot John Hampden	500
Colonel Titus	500
Hermstrand	500
This must have been Sir Thomas Armstrong, because when Barillon gives afterwards an account of Armstrong's execution for the Rye-House Plot, he calls him	
Chevalier, Thomas Hermstrand	500
Bennett	300
Barillon describes him to have been formerly Secretary to Prince Rupert, and now to Lord Shaftesbury	300
Hodam. This must have been Hottram, for Barillon describes him, "Fils du Chevalier Hodam qui était gouverneur de Hull."	300
Hickdal	300
Garoway	300
Francland	300
Compton	300
Harlie. This must have been Sir Edward Harley, because Barillon describes him, "Cidevant gouverneur de Dunquerque."	300
Sachevered	300
Foley	300
Bide. He describes him thus, "Fort riche et accredité."	300
Algernon Sidney	500
Herbert	500
Baber. This must have been the famous Sir John Baber. Barillon describes him thus, "Qui n'est pas du parlement, mais qui a beaucoup des liaisons avec les membres de la chambre basse, et qui avait fait ma liaison avec milord Holles."	500
Hill. This was probably Sir Roger Hill, Barillon says he was formerly one of Cromwell's officers	500
Boscawen	500
De Cross. This was the de Cross envoy, from the Duke of Holstein, mentioned by Sir W. Temple	150
Le Pin. Barillon calls him one of Sunderland's Clerks	150

‡

‡ Dalrymple, Appendix, pp. 315—317. * Barillon to Louis, in Dalrymple.

Algernon Sydney's Letters.

† Algernon Sydney's Letters to Furley. These letters which evince a great fondness for money on the part of Sydney, prepare us for finding his name in the Barillon bribery list. The *manus inimica tyrannis*—was alas, not so averse to a tyrant's subsidies. Under date of "London, March the 23rd, 1678—9," he says, "Yesterday the Lords appointed the Black Rod to take the Earle of Danby into custody, whoe immediately went to his lodgings at Whitehall to seeke him, but found him not, and I believe he will think it

CHAP. V.

The charges agreed upon were six in number. They were delivered by Sir Henry Capel on the part of the Commons, and were, as to substance, to the following effect:—

Articles of impeachment against Danby.

I. "That he hath traitorously encroached to himself regal power, by treating in matters of peace and war with foreign ministers and ambassadors, and giving instructions to His Majesty's ambassadors abroad, without communicating the same to the Secretaries of State, and the rest of His Majesty's council.

Assuming "Regal Powers."

II. "That he did design the raising of an army, upon pretence of a war against the French King, and to continue the same as a standing army within this kingdom: And an army being so raised, and no war ensuing, an act of Parliament having passed to pay and disband the same; and a great sum of money being granted for that end, he did continue the army contrary to the said act, and misemployed the said money given for the disbanding, to the continuance thereof, and issued out of His Majesty's revenues, divers great sums of money for the said purpose, and wilfully neglected to take security of the paymasters of the army, as the said act required; whereby the said law is eluded, and the army is yet continued, to the great danger and unnecessary charge of His Majesty and the whole kingdom.

Raising a standing army.

III. "That he did propose and negotiate a peace for the French King, upon terms disadvantageous to the interest of His Majesty and his kingdoms; for the doing whereof, he did endeavour to procure a great sum of money from the French King, for enabling him to maintain and carry on his said traitorous designs and purposes to the hazard of His Majesty's person and government.

The French Money.

IV. "That he is popishly affected, and hath traitorously concealed (after he had notice) the late horrid and bloody plot and conspiracy, contrived by the Papists, against His Majesty's person and government; and hath suppressed the

The concealing of the Plot.

a point of prudence not to appeare. The King's pardon is found defective in every point but though all the forms had bin observed, the House of Commons doth not acknowledge that it could exempt one impeached by them from being brought to justice. It is said, he shall be attainted if he fly. I believe the next work will be concerning Lauderdale, and that never men weare less pitied in their fall than they will be."—page 95.

CHAP. V.

evidence, and reproachfully discountenanced the King's witnesses in the discovery of it, in favour of Popery, immediately tending to the destruction of the King's sacred person, and the subversion of the Protestant religion.

Wasting of the Treasure.

V. "That he hath wasted the King's treasure, by issuing out of His Majesty's Exchequer several branches of His revenue for unnecessary pensions and secret services to the value of £231,602 within two years; and that he hath wholly diverted out of the known method and government of the Exchequer one whole branch of His Majesty's revenue to private uses, without any account to be made of it to His Majesty in his Exchequer; contrary to the express act of Parliament, which granted the same; and he hath removed two of His Majesty's commissioners of that part of the revenue, for refusing to consent to such his unwarrantable actings therein, and to advance money upon that branch of the revenue for private uses.

Obtaining Estates.

VI. "That he hath by indirect means procured from His Majesty to himself divers considerable gifts and grants of inheritance of the ancient revenue of the crown, even contrary to acts of Parliament."

Danby's Speech in Defence.

On the presentation of the charges Danby spoke at some length, and with much power and conclusiveness. The speech indeed, gives a very high opinion not only of his logical mind but of his eloquence, which seems of a much higher class than is to be found in the oratory of the time. To the

His answer to the first charge.

first charge of assuming "regal power," he answers, that he does not comprehend it, as he had the King's warrant for all he did. "Although" he says "I am far from having been the most cautious man in taking care of my own security, (which perhaps my great innocence hath been the cause of), yet I have not been so wanting in common prudence, as in the most material things, not to have had His Majesty's orders and directions under his own hand; and particularly for the letters now made use of against me."

To the second charge he argues with less effect, that no Lord Treasurer would encourage a standing army as a charge upon the means of the nation, which he had to provide.

To the second.

"The second," he says, "I think, doth scarce need my

giving any answer to; it being obvious the Army was no more raised by me, than by every Lord in this House; and whoever is in that station which I hold, must certainly be a fool to desire anything which creates a want of money, especially so great an one as the charge of an Army must necessarily and immediately produce. And for one part of the article concerning the pay-master of the army, it is in fact otherwise; for security from the pay-master has been taken in the sum of four hundred thousand pounds." This is not conclusive, for the previous reign showed clearly enough that a standing army might be thought far more than worth all the cost of keeping it up—even in the light of forcing money and avoiding Parliaments.

The third charge, as to the letters to France, the Treasurer replied to, in a few contemptuous words. The sending of the letters was an act of which he ought not to have been guilty. He might screen himself under the King's authority, but an excuse is not an exculpation; and however infamous Montagu may have been, the question was Danby's innocence, and not his comparative guilt, with that of his accuser.

To the third

"The third" he proceeds to say, "is of the same nature with the first, and comes from the same foundation, which is what a gentleman hath thought fit to produce to the House of Commons. I will not now censure his action, I think it will do enough for itself; I will only say, that although I take it for one of the greatest misfortunes which can befal a man, to lie under such a charge of the House of Commons, yet I would much sooner choose to be under that unhappiness, than under his circumstances."

To the fourth.

The fourth article was the ridiculous one which relates to the Popish plot. He answers truly enough to this, that his interest was surely greater than any other man's in England, to preserve the life of the King to whom he was indebted for his position, which as he said, could not be higher. "It is not" said he, "possible to believe it true, without my being the greatest fool on earth, as well as the blackest villain. For were I capable of such a wickedness, yet the more wicked any man is, the more he is carried to his own interest; and is it possible anything under heaven can agree less with my

CHAP. V.

interest, than the destruction of this King? Can I possibly hope to be better than I am? And is it not apparent that there is not one man living whose happiness depends so much as mine upon the preservation of his person?"*

No one can doubt the truth of his repudiation of the charge of leaning to the Church of Rome. His son in the House of Commons, had prevented the opposition from expunging the article, as, on second thoughts, they were disposed to do; believing rightly that it would weaken the whole attack by betraying the *animus* of the prosecution; and to this incident, after a spirited denial he feelingly alludes—"For that part of the article that says, I am Popishly affected, I thank God that the contrary is so known to all the world, that even some of those that voted against me, did own their knowledge of the falsity of that allegation; and I hope I have through my whole life given so good testimony of my religion, both in my own family, and by my services to the Church, (whenever it hath lain in my power) that I shall not need much vindication in that particular. And I hope your Lordships will forgive me my weakness in telling you, that I have a younger son in the House of Commons, whom I shall love the better as long as I live, for moving to have that part of the article to stand against me, that by that pattern it might appear with what sort of zeal the whole hath been carried to my prejudice."

The fifth article, charging malversation at the Exchequer, was only to be answered by matter of account, but those who read the candid lamentations of Pepys, about the irregularity in paying the Navy, his own department, will easily understand

* Mr. Wallace, the continuator of Sir James Mackintosh's history—a writer of great research and ability—has, nevertheless, on this subject, the following unaccountable statement.—"Charles with his characteristic penetration, not only saw the internal evidence of fabrication in the illiterate style and false spelling of the letters, but recollected that the writing resembled that of the papers placed in his hands by Tonge. He extorted from Danby a reluctant admission that the whole affair was a gross imposture, of which the further prosecution would only cause a groundless and mischievous alarm. This abominable drama would probably have proceeded no farther, if James, with the fatality which altered him through his life, had not insisted, for his own sake and his chaplain's, that the letters should be laid before the Council."—Hist. of Eng. vol. VII. p. 198. I can find no ground whatever, for this assertion of Danby's "reluctant admission;" on the contrary, he, it was, who brought the plot before Parliament, contrary to the remonstrances of the King. Mr. Wallace gives no authority for the statement, and none, in fact, exists.

Danby's taking credit to himself for paying them regularly in such circumstances of difficulty, as those in which he found the Treasury when he came into office.

To the fifth.

To the final charge of having gained an estate by grants from the King, he replied that in six years of office as Lord Treasurer, he had not got half what many had in inferior employments, and challenged inquiry into the amount of his gain.

With the light which the letters of Barillon* and other authorities have thrown upon the conduct of the opposition, (from which light their victim was excluded) Danby's peroration will appear as the eager assertions of a man totally innocent of the designs with which he was charged.

His eloquent Speech.

"Nay!" he concluded, "I am as confident as that I now speak that had I either been a papist or a friend to the French, I had not been now accused. For I have reason to believe that the principal informer of the House of Commons hath been assisted by French advice to this accusation; and if the gentleman were as just to produce all he knows for me, as he has been malicious to show what may be liable to misconstruction against me, (or rather against the King, as indeed it is,) no man could vindicate me more than himself, under whose hand I have it to show, how great an enemy to France I am thought, how much I might have had to have been otherwise, and what he himself might have had for getting me to take it, but I do not wonder this gentleman will do me no right, when he does not think fit to do it to His Majesty, on whom chiefly this matter must reflect; although he knows, as will appear under his hand, that the greatest invitations to His Majesty for having money from France have been made by himself;† that if His Majesty would have been tempted for money, he might have sold towns for as much as if they been his own,‡ and the money have been conveyed as privately as he pleased; that His Majesty might have made matches with France if he could have consented to give them towns, and yet that the King has always scorned

* See note, page 261, Barillon's accounts. † Letters of Montagu *ante*.

‡ Montagu to the King, Dec. 29, 1677.

CHAP. V.

to yield the merest village that was not agreed to by the Spaniard and Hollander. That gentleman hath often pretended how much his own interest in France was diminished, only by being thought my friend. And besides divers other instances, I have under his hand to show the malice of the French Court against me, I sent two of his letters to the House of Commons, which show how Monsieur Ruvigni was sent hither on purpose to ruin me: which I am well assured at this time they would rather see, than of any one man in England. Besides what that gentleman could say of this kind (if he pleased) I hope His Majesty will give me leave (in my defence) to say in his presence,* and in the hearing of divers Lords, with whom I have the honour to sit in the Committee of Foreign affairs, that, which were it not true, His Majesty must think me the impudentest and worst of men to affirm before him, that ever since I had the honour to serve His Majesty to this day, I have delivered it as my constant opinion, that France was the worst interest His Majesty could embrace, and that they were the nation in the world from whom I did believe he ought to apprehend the greatest danger, and who have both his person and government under the last degree of contempt; for which reason alone (were there no other) I would never advise His Majesty to trust to their friendship."

On the conclusion of Danby's speech an attempt was made to carry a motion that he should withdraw, but he had still left sufficient power to defeat it. Buckingham and his followers were compelled to content themselves with a protest; but Danby saw that with the House of Commons then existing it would be impossible for him to contend, and he decided upon a dissolution of the Parliament. Burnet gives the following account of how this dissolution was brought about.

Determines to Dissolve the Parliament.

"Danby saw little hope of recovering himself with that Parliament, in which so great a majority was already engaged, so he entered into a treaty with some of the country party for a new Parliament. He undertook to get the Duke to be sent out of the way against the time of its meeting. Lord Holles, Littleton, Boscawen, and Hampden, were spoken to.

* Charles attended the debates on Danby's case, in person.

They were all so apprehensive of the continuance of that Parliament, and that another set of ministers would be able to manage them as the court pleased, that they did undertake to save him if he could bring these things about. But it was understood that he must quit his post, and withdraw from affairs. Upon which they promised their assistance to carry off his impeachment with a mild censure."*

When we recollect that both Hampden, Boscawen, Littleton, and Sir John Baber whom Barillon describes as most intimate with Lord Holles, were receiving French money to ruin Danby—the Bishop's story is incapable of belief. The truth appears to be that the Parliament was dissolved because Charles feared the final consequences of an inquiry into his connexion with the Court of France,—and that inquiry was threatened by a faction in the House of Commons themselves, in the most sordid and treasonable connexion with the minister of Louis. The following extract from Barillon's letter to his master, about the time of the attack on Danby, can scarcely be read without indignation.

Venality of the "Patriots."

"In the affair of the High Treasurer, and the disbanding of the army, no person was more useful to your Majesty than Lord *Holles*. I have had a strict connection with Mr. *Littleton*, who is one of the most considerable in the House of Commons, and whose opinions have always been the most followed. I have also kept a particular correspondence with Mr. *Powle*. He was put into the council when the persons who opposed the court were put there. He has so conducted himself since that time, that he will always be useful when Parliament shall meet: he is a man fit to fill one of the best posts in England; he is very eloquent, and very able. Our first correspondence came through Mr. Montagu's means; but I have since kept it by my own, and very secretly. Mr. *Harbord* is another of those whom I have made use of, and who bore an active part in the affair of the Treasurer and the disbanding of the troops, but it would be difficult to employ him at present. He has considerable credit among people in the country; he would be more fit if a minister was to be attacked, than he will be to speak in Parliament against an

* History of his own Time.

CHAP. V.

alliance, which the court would make, and the other party hinder. *These four have touched what was promised them, when the disbanding of the troops should be finished, and the High Treasurer removed from affairs.* Mr. *Sidney* has been of great use to me on many occasions. He is a man who was in the first war, and who is naturally an enemy to the court. I gave him *only what your Majesty permitted me; he would willingly have had more*, and if a new gratification were given to him, it would be easy to *engage him entirely*."*

New Parliament.

The second Parliament of Charles II. met on the 6th of March, 1679, and Danby, as is supposed, defied it at the outset, by the King refusing to approve of Seymour as Speaker. The Commons remonstrated, and Charles told them in very arrogant terms, "to go back to their House and do as he had commanded them." Yet at this time the Lord Treasurer was contemplating a retreat before the violence of the Opposition. This intention is mentioned by Reresby, who adds to it an assertion as to venality, founded probably, upon the rumours of the time, by which he accounts for the few friends the Treasurer possessed, even amongst those he had promoted. In March, 1678. he says:—"The storm now begins to fall heavy upon My Lord Treasurer, insomuch that he has thoughts of delivering up his staff, and with it his office, in hopes by such resignation, to allay the hatred against him, I was averse to this step, I confess, and would have had him stood his ground as long as the King would stand by him, saying, his resignation would but expose him the more to the power of his enemies; in short that the Lords would fear him the less, and the Commons not love him a bit the better. Several persons had got possessed of good employment, not so much by My Lord's favour and kindness, as by giving money to his lady, who had for some time driven a private trade of this sort, though not without his Lordship's participation and concurrence." †

Danby proposes to retire.

Whoever may have advised the hostile course which Charles adopted towards the House of Commons, the revenge of the latter fell on the Prime Minister. Powle, one of the most abject of the pensioners of Louis, revived the question

Powle's Speech against Danby

* Dalrymple, II. 336. † Reresby's Memoirs.

of Danby's impeachment. "Mr. Speaker," he said, "I should have been pleased to have heard somewhat needful to have been spoken unto, from some other Member of this House, rather than myself; it is concerning the Earl of Danby, who stands impeached by the Commons of England, of High Treason.

"The person to whom we owe the dangers and fears of the French King against us.

"The person to whom we owe the threats and severe answers to those humble addresses we made the last sessions of Parliament,

"The person, to whom we owe the ruin of this nation, and exhausting the King's revenue.

"The person to whom we owe the expence of £200,000, and upwards within a year, unaccounted for.

"The person to whom we owe the many Prorogations that happened in the last Parliament, when many profitable Bills were ready for passing.

"The person, to whom we owe the raising of a standing army, to be kept up by the receipt of six millions of livres yearly, for three years together, to enslave us and our religion.

"The person to whom we owe the late bone that was thrown in the sitting of the last Parliament. to hinder the good issue that might have come by their proceedings; who is now laying down his staff, and making up his accounts in the Treasury as he pleaseth, to enrich himself out of the spoils of the people, and so depart.

"My humble motion is, that a message be sent immediately to the Lords, from the Commons of England, to desire their Lordships, that Thomas, Earl of Danby be immediately committed to safe custody, he being impeached by the Commons of England, of High Treason."

Nothing could exceed the inconsistency of these charges, from the statement that Danby had exasperated the King of France, (with whom he was charged with being at the same time in league), down to the horror of Mr. Powle about the danger to his "religion," from the practices of the Earl.

The Commons agreed to Mr. Powle's motion, and sent to

CHAP. V.

the House of Lords to remind them, by a special message, of the impeachment.* In the meantime, Danby had agreed to submit to removal from the court, and Charles had come down, as he said, "to put an end to that business," by stating that Danby was blameless, both as to the letters to France, and the Popish plot. "There are" he said, "great mistakes in those matters concerning him, for the letters were written by my order. And for the concealing the plot, it was impossible, for he had heard nothing of that but what he had immediately from myself. I have dismissed him from my court and councils, and not to return."

Message to the Lords.

Bill of attainder.

The Earl of Essex now brought in a bill to incapacitate Danby from holding office or sitting in Parliament, and the minister seems to have submitted to this solely to save Charles from apprehended exposure, taking at the same time a pardon on which he hoped to rely for protection from the House of Commons. On the introduction of this bill, the Lords agreed to the Commons' request, and ordered Danby into the cus-

* *Jovis* 20, *die Martii*, 1678.

Resolved, *Nemine contradicente*,

That a message be sent to the Lords, to put them in mind of the impeachment of High Treason, exhibited against Thomas Earl of Danby, in the name of the Commons of England, and to desire that he may be forthwith committed to safe custody.

"That it be referred to the Committee of Secresie, to draw up further articles against Thomas Earl of Danby.

Sabbati 22. *die Martii*, 1678.

"That a message be immediately sent to the Lords, to remind their Lordships of the last message sent from this House, relating to Thomas Earl of Danby; and to demand, that Thomas Earl of Danby, may be forthwith sequestered from Parliament, and committed to safe custody.

Martis 25. *die Martii*, 1679.

"A message from the Lords, by Baron Littleton, and Baron Thurland. 'Mr. Speaker, We are commanded by the Lords, to acquaint this House, that they sent to apprehend Thomas Earl of Danby, both to his House, here in town, and to his house at Wimbledon, and that the Gentleman Usher of the Black Rod had returned their Lordships answer, that he could not be found.'

Veneris 4. *die Aprilis*, 1679.

Resolved,

"That an humble address be made to His Majesty, to desire His Majesty to issue out His Royal Proclamation for the apprehending Thomas Earl of Danby; with the usual penalties upon such as shall conceal him; and that His Majesty will be further pleased to give order to the officers of His Majesty's household, that they take care that the said Earl of Danby be not permitted to reside within either of His Majesty's Palaces of Whitehall, Somerset-House, and St. James. And it is referred to Mr. Powle, &c. to prepare and draw up the same, and present it to the House to-morrow morning."—*Commons Journal.*

tody of the Black Rod.* He could not, however be found, and accordingly on the 14th of April, 1679, a bill passed to attaint him, if he did not surrender by the 21st. On the 16th he did surrender accordingly, and was committed to the Tower.

Danby surrenders, and is sent to the Tower.

Danby had fallen by the most disgraceful conspiracy of venal men that perhaps ever assailed a minister. The object, the means, and the manner, were all equal in infamy; but it would seem that the people had no sympathy with Russell, nor the French pensioners with whom he acted. Although Algernon Sydney says no minister was less lamented, Echard gives a different account.

"The Earl" he says, "finding himself reduced to this extremity, rather than risque the mischiefs that might happen to himself, or to the King if he should refuse to pass the bill, on the 15th of April, surrendered himself to the Usher of the Black Rod. The next day, being brought to the Bar of the House of Peers, the Lord Chancellor let him know, that he stood impeached by the House of Commons, and

Popular Excitement.

* James, as appears from his letter to Laurence Hyde, was afraid of Danby turning round and exposing Charles and himself. The following remarks at this time are found in Reresby's Memoirs. "Some would have persuaded his Lordship to take refuge abroad, as what would appease both Houses; and indeed the Lords had a conference with the Commons about preparing a bill to banish him, and the Commons desired some days to consider of it, in hopes he would have withdrawn in that time. In the midst of this perplexity I saw his Lordship at midnight of the 24th, as he came out of his closet, from advising with his friends what to do. He gave me a great many thanks and good words; told me he had recommended me to the King as a fit person to be sent his envoy into France, as also where I was to make application in his absence, if I wanted anything with the King.

* * * * * * *

"Had the Treasurer considered nobody but himself he might certainly have fared better, but he resolved rather to suffer than to do anything that might derive any dishonour on the King or others about him, as he has since said himself. 'This great change, I must own, made me seriously ponder the incertitude of human grandeur; it was but a few months before that few things were transacted at court, but with the privity or consent of this great man; the King's brother and favorite mistress, were glad to be fair with him, and the general address of all men of business was to him, who was not only Treasurer, but Prime Minister also; who not only kept the purse, but was the first and greatest confident in all affairs of State. But now he is neglected of all, forced to hide his head as a criminal, and in danger of losing all he has got, and his life therewith; his family raised from privacy to the degree of Marquis, (a patent was then actually passing, to invest him with that dignity), is now on the brink of falling below the humble stand of a yeoman; nor would almost the meanest subject change conditions with him now, who, so very lately the greatest beheld with envy.'"*

* Reresby's Memoirs. 221.

CHAP. V.

that upon his withdrawing himself a Bill of attainder had passed the two Houses; by which, however, he had time given him to come in and make his defence.' The Earl handsomely excused his not appearing sooner, and declared his innocency with several protestations, and then was ordered to withdraw. Being called in, and brought to the Bar a second time, the Lord Chancellor acquainted him that their Lordship's would allow him time to give in his answer to the articles of his impeachment, till the first day of the sitting of the House after Easter; that if any further charge were put in against him, he should have further time to answer; that he should have counsel assigned him, and liberty to make use of records, and that his witnesses should be summoned." Upon which he withdrew, and by order of the House he was immediately committed to the Tower, being attended by such a vast concourse of people, that upon his account a general insurrection was feared in the city."*

Pleads the King's pardon.

When Danby was again brought up he pleaded the King's pardon. James and Charles seem not to have been prepared for so great an exhibition of honour and attachment, as he exhibited in resting on the pardon solely, without divulging such letters as would implicate the King.† These letters, he says, if the King had permitted him to use them would have thrown the charge from himself to Montagu; but Charles told him he "owed him more duty than to expose his and his ambassador's letters of private negociation between him and the King of France."

End of Danby's first Ministry,

Thus ended the first Danby administration—in which amidst unexampled difficulties he had maintained his own

* Echard, Hist. of Eng. 1679.

† "Hague, May 2. 1679.

"I have received yours of the 13th, and shall endeavour to have as much patience as I can in expectation of what will become of me, and I do acknowledge that I am clearly convinced, that till the Lords are tried, my name ought not to be mentioned, and that you on the place are best judges when and how to go about my affair, and look on your advice as to my own behaviour as very good. The Earl of Danby's coming in has surprised us here very much, and fear it will do His Majesty's affairs little good, whatsoever effect it may have to himself. I have not time to say more, it being so very late, but that I am to set out to morrow morning early for Brussell's, and design to be there on Friday, and to take Breda in our way."—James to Laurence Hyde—Clarendon Correspondence, I. 43

position and the comparative prosperity of the country, and fell at length before a well-organized and desperate knot of enemies whose opposition looked less like political, than personal hostility.*

It is indeed now almost impossible to estimate, or to account for, the hatred in which Danby seems to have been held. Lord Russell, who, (with the single exception that born to an ample fortune, he did not accept French gold, though doubtless never tempted in any such a style as Danby), was chargeable with all the offences committed by the opposition, had gone unaccountable lengths in his endeavours to destroy him.‡ Charles abandoned him for divulging the plot, as Sir William Temple says, "against his command," while his concealment of the plot was the chief charge against him by the House of Commons. Barillon detested him for thwarting the plans by which he hoped to make himself important in the eyes of his master Louis, while the opposition charged him with being in league with France. In the words of Sir William Temple, "to complete the happy and envied state of this chief Minister,

Strange league against him.

* Roger North in the Examen says, "The Hon. Ralph Montagu then ambassador in France, was in measures with some topping men of the faction here, among other things, to ruin the Earl of Danby, and for bringing that about, somewhat very extraordinary must be done. For the said Earl hath founded his policy upon the protestant cavalier interest, and opposition to the French; which he carried on steadily, so far as he thought consistent with his post at Court, and also with a popular interest in Parliament. And that management of himself, and also a care to appear opposite to Popery, had rendered him very strong. He was the first Prime Minister (if I may except old Clarendon, who came in with the King) that built upon that foundation, and never wrought with either fanatics or papists, but courted the loyal gentry, and perhaps too much, if the usefulness of some of them for the employment he put them in, might carry that construction. It is most certain that whether judgment or policy directed his conduct, it was so far very well chosen; and his great parts and abilities to manage in public were much set off by the advantage of so good a cause at the bottom."—page 528.

Roger North's Account.

‡ Lord John Russell in his life of his ancestor makes the following admissions—"The opposition, on the other hand, sought alliances in every quarter. Lord Russell, Sir Henry Capel, and others, had meetings with the Duke of Monmouth, in order to concert the removal both of the Duke and of the Lord Treasurer. They commissioned Monmouth to acquaint the King, that *they would supply him with any sum of money he might require, if he would lay aside the Lord Treasurer.* Overtures were also made to Lord Danby by Colonel Birch, who endeavoured to prevail upon him to favour Monmouth's legitimacy. Both these stories may be true.—Life of Lord Russell.

CHAP. V.

the Duchess of Portsmouth* and Earl of Sunderland were joined with the Duke of Monmouth and Earl of Shaftesbury in the design of his ruin." The fate of Danby in 1679 proved that Lord Bacon's saying is as true in political as in private life, that a common mode of defence is to accuse an opponent of the crime of which you yourself are guilty. He was disgraced on a charge of French alliance by the pensioners of France.

The Lords favour Danby.

The Lords were unwilling to proceed with the same severity that had been exhibited by the House of Commons, and at length Charles got rid of the Parliament, once more, by a dissolution.

Charles dissolves the Parliament.

The life of Lord Danby in the tower, did not of course afford much incident. At first he was but little affected by the reverse,† and set about maintaining his right to being bailed by the Courts at Westminster. The Courts, however, decided that they had not power to bail any one who had been committed by the House of Peers, and though the Attorney-General by order of the King, consented on behalf of the Crown to the bail being accepted, Danby was remanded back to prison. Reresby, who always preserved a gossiping acquaintance with men in power, or high place of all parties, gives notes of several visits to the Tower during the imprisonment of Danby.

His attempts to be bailed.

In January, 1680, he has an entry -"Waiting this day upon Lord Halifax he complained much of the severity of the Commons in their vote,

* * * * * * *

But at the same time he complained of the fickleness and incertitude of the King's temper; and observed that while he seemed perfectly to approve of the counsel you gave him,

*"His Lordship (Lord Halifax) further said, that were he quite as young as he had been, he might be as well with her (the Duchess of Portsmouth) as others; but upon this I observed, that His Lordship ought to have been furnished with a good purse,

* * * * * * * *

for so, report said, Lord Danby kept intelligence so long and so great with her."—Sir John Reresby's Memoirs, 8vo. 271, where those who are curious may see the quotation in full.

†"April 17th, 1678, My Lord Danby at length surrendering himself, was committed prisoner to the Tower, when going to pay him a visit, he seemed to be very little concerned."—Sir John Reresby.

he hearkened to others from a back door, which made him wavering of mind, and slow to resolve.

"The next day I waited on Lord Danby in the Tower, and he spoke of the King's unsteadiness in the self-same strain; and particularly observed, that though the Duke of York had but little influence with him, as to what purely regarded himself, the Minister would find him an over match with His Majesty as to any other person or concern."

His opinion of Charles.

In November 1681, he writes, "I went to pay a visit to Lord Danby, still a prisoner in the Tower, who by the drift of his discourse, was not in charity with the then Ministers, seemingly reflecting on them as too favourable inclined towards Lord Shaftesbury, and so on—"*

Notes of Reresby.

Again, in March 1682, "I went to see Lord Danby in the Tower, and found him to express himself much more obligingly towards Lord Privy Seal, than he had been used to heretofore. Among other things he said His Lordship had taken a prudent course in declaring himself for a Parliament, and that he was very glad of it upon a private account, for that he despaired of being enlarged till there was a sitting." And in January, 1683, "Affairs were now chiefly under the management of the Duke of York, who carried every thing with a very lofty hand; but what is very strange, the Earl of Danby was on the point of stepping out of the Tower, though against His Highness's consent."

Evelyn, under the date of 7th December, 1683, has an entry as follows;—"I went to the Tower, and visited the Earl of Danby, the late Lord High Treasurer, who had been imprisoned four years; he received me with great kindness. I dined with him, and staid till night. We had discourse of many things, his lady railing sufficiently at the keeping her husband so long in prison. Here I saluted the Lord Dumblain's wife, who before had been married to Emerton, and about whom, there was that scandalous business before the delegates."

In the meantime, Danby had applied himself to Lord Chesterfield to bring Halifax into his interest, and endeavour

He applies to Halifax.

* Sir John Reresby's Memoirs, p 57.

CHAP. V.

to accomplish his discharge. Upon his committal, he wrote to Chesterfield as follows :—

1679.

"My Lord,

I know not whether those unfortunat circumstances I am under may not make this seem a seasonable application to your Lordship, for so great favour as I now presume to beg of you, but, if I may have credit with your Lordship to be believed in what I say, I know honour will then be a motive to grant my request, as what one peer might hope from another. Your Lordship knows I am impeached by the House of Commons for high treason, and my charge is as well known as my impeachment, wherein the foure first articles are those which are pretended to be treason. The first and thurd of them grounded upon a letter I writ by the King's command to Mr. Montagu, as His Majestie has always owned, and is subscribed under his hand. The second is my raysing and maintaining an army, which every body can answer, and is as much concerned in as myself; and not taking security of the pay-master (which was done). The fourth article is my concealing the plot which they discovered to mee, besides that I was the sole cause of Coleman's papers being seized, which has discovered more of the plott than anything else. So that in truth, I am only accused of having obeyed the King's commands about the letter, and the matter of that letter aggravated to be called treason, though all my councell at law have declared nothing in the letter to be treason, though construed in the worst sense, and not in the true construction of it. Yet such is my hard fate, that as I am impeached for my obedience, (and I call God to witness for nothing else that I know), so am I like to be condemned also by my obedience; for His Majesty from an apprehension of this giving too great an interruption to the public matters at this time, (but I think truly out of kindness to mee, believing that the torrent of the House of Commons would ruine mee by their violence), did command mee to absent myselfe, when my committee was ordered by the Lords on Monday last, though they had given me till the Thursday following to put in my answer. This absenting did so exas-

Letter to Lord Chesterfield.

perat the Lords, as to pass a bill of banishment against me if I did not appear before a day not named; and that bill was sent down to the Commons yesterday, who immediately threw it out of their House for being too moderate, and are now come to a bill of attainder against me; so that my humble request to your Lordship is, that you would please to be so generous and charitable as to come up and assist me against such a cruelty, if you find what I say to be true; and, if you do not, I will not only loose all my honour and reputation with your Lordship, but will consent to your joining against mee when you are here. I hope your Lordship will forgive this tedious trouble, being of soe great concerne to

"My Lord,

"Your Lordship's most humble, and most obedient Servant,

DANBY."*

The only hope of Danby was now in a new Parliament, being satisfied that they could not pursue him with the same violence as that had done, which was just broken up. He founded his hopes of the calling of the Parliament on the progress of Louis, especially in the taking of Strasburgh, and writes to Chesterfield in 1681 to that effect, as follows:—

Anxiety for a New Parliament.

1681.

"My Lord,

"I had returned your Lordship my thanks before now for the favour of the stag you sent mee, but that I found by Mr. Bates that he thought your Lordship was not at Bretby. The generosity of your mind makes your Lordship find out all occasions of obliging those who are least capable of making returns; and I must owne myself so sensible of your favours in things of the greatest consequence that I think myself bound to make the greatest acknowledgments, if any opportunity should ever fall in my way of doing it. The surprising newse of Strasburgh and Cassall falling into the King of France his hands, att the same time has made much discourse among the politicians, and is believed by them will be the necessary cause of calling a Parliament speedily; but perhaps the variety of diversions at Newmarket, may make it take

* Letters of Philip 2nd, Lord Chesterfield 191.

CHAP. V.

less impression there, I confess myselfe on that side which would have a Parliament, and I believe for the same reason that those which call so loud for one, which is for our own sakes, how much soever wee may disguise it with the public. The difference betwixt us only is, that most of them desire it to gett power, and I to gett liberty; and I am not in despair of being out this winter, because I hear My Lord Halifax sayes we shall have one. However, I hope I shall have the honour of seeing your Lordship in Town this winter, which, next to the getting of my liberty, I doe assure your Lordship, will be one of the most desirable things to,

"My Lord,

"Yours, &c., &c.,

DANBY."

Halifax interferes for Danby.

Halifax, to whom Chesterfield applied on behalf of Danby, had been supposed to have a great enmity to the fallen minister, * and this may account for the appearance of importunity which Danby's letters to Chesterfield bear. In 1681, he writes from the Tower, to his friend again:—

"Your Lordship will, I hope, forgive my giving you this trouble, to inquire after your health, having so many great obligations to your Lordship, as I shall ever acknowledge. I have not seen Mr. Bates a good while, he is so very constant to Ritchmond, but I suppose he gives your Lordship an account of the various passages which fall out every day amongst us. I did not expect the neighbourhood of my Lord Chasbury, (Shaftesbury) so speedily, but I am not deceived at all in my expectation concerning my own liberty, of which I have still no more prospect than I had two years ago. If ever I do obtain it, one of the first contentments I intend to give myself of itt, shall be to wait upon your Lordship."†

Halifax, whether from the feeling of having succeeded, or from a growing consciousness, arising from his own experience, that the "patriot" party had acted harshly towards Danby, began to relent. The wrath which had been concen-

* "My Lord Viscount Halifax being now of the Council, and entering into business, he, though a great enemy to the Earl of Danby, professed a kindness for me."—Reresby's Memoirs, 223 8vo.

† Chesterfield Letters.

trated upon him, began to be divided amongst the new Council. "I must observe," says Reresby, "that most of the Lords and Gentlemen of the Privy Council, though great patriots before, in the esteem of both houses, began in some measure to lose their credit with both, so true is it, that there is no wearing the Court and Country livery together."* In the following year, Danby addresses Chesterfield again, to remind him of his promise of negociating:—"I have," he says, "so particular a respect for your Lordship, that I hope you will forgive my putting you in mind sometimes of an old servant. I must confess I am sorry to remember I am so, but since time is not to be called back, one of the greatest comforts wee have in the remainder which is left, is to remember that part of the past which has most pleased us. Amongst these remembrances, the happiness of your Lordships acquaintance has always been one, and a very great one, as it ought to be esteemed, to find a friend of so great honour and worth, as I must ever owne your Lordship to have been; and I can desire nothing with more earnestness, than an opportunity to show, with how great truth, as well as esteeme, I make the profession of being, Yours," ‡

Danby's letters to Chesterfield.

The amount of success which attended the efforts of Chesterfield, will be found in the following letter, which he addressed to Danby after his interview with Halifax.

"My Lord,

"I had an opportunity, this day, of speaking to the Lord Privy Seal, and of letting him know that your Lordship thought yourself so much obliged by his frank way of proceeding; that you would have no reserve for him in a business wherein he offered, and you desired his assistance: and thereupon I gave him an account of what had passed, with which he seemed very much satisfied, at finding that your Lordship imposed a trust on him, though I perceived at the same time, that he knew the whole of the matter before I mentioned it. I told him that I conceived the greatest difficulty lay in the men of the robe, and that if he could remove it, your business would have good issue;

Chesterfield's mediation.

* Memoirs, 210. ‡ Chesterfield Letters, 210.

CHAP. V.

whereupon his Lordship replied, that he was of my opinion, and that he thought it depended most on the chief of them, who was engaged in a conterary interest, but that the objection must either be grounded on law or prudence; if upon the first, the case might as well be determined now, as at any other time, especially if His Majesty would concern himself in it; but if on the latter, he thought your Lordship must contente yourself til March, by which time all those considerations would vanish of themselves, and then there could be no further impediment. My Lord, I thought myself, obliged to send you this account, from, My Lord,

"Your Lordship's most obedient servant,

"CH."

Danby, however, was but little sanguine as to the lukewarm efforts of his former rival. He replies to Lord Chesterfield, dating "in the Tower, January 17th, 1784."

Danby's hopes of being liberated by Parliament.

"It is impossible for mee to make the acknowledgments I ought to doe to your Lordship, for your favours, but I am sure you shall have all I can make, so that it shall not be my fault although it may be my misfortune, that I cannot serve you. I desire my service may be presented to your friend, and as I doubt not his endeavours on my behalfe are according to his professions, so I shall not desire him to doe himselfe any injury by appearing more publicly for me. I am sorry to hear that His Majestie will take no resolution about mee till he consults the keeper, but I expect to heare something from the King himself, having given him the trouble of a letter since I saw your Lordship." *

House of Commons inquire into the "Secret Service Money."

In the meantime, the House of Commons, pursuing their hostility, had appointed a committee to inquire into the Secret Service money, its amount, and application. From its very nature, this inquiry could not be satisfactory in eliciting truth, for, as we had occasion to remark in the life of Clarendon, the omission at the Restoration, to separate the public revenue from the civil list, and privy purse, had begun the confusion of accounts, and tempted the King into the extravagancies he had committed, and the Parliament into the

* Chesterfield Letters.

factious course it had pursued. The inquiry by the Commons, resulted in a report that several members of the House had received pensions and money. Ralph, from what authority he does not say, estimates the money regularly given to members of Parliament by Danby, as £3,400 per annum, for three years, amongst twelve persons, besides irregular and uncertain distributions. The committee found that £252,000 had been expended in secret services, in the space of three years. These secret services extended to all foreign disbursements, which in such a time, and in accordance with the policy of the age, must have been very numerous. It included also a number of domestic charges, not now called by the same name, while all the rewards given for any service rendered to the crown beyond the ordinary duties of certain recognized offices, were charged in the same fund. Danby, himself, in his defence, inserted in his memoirs,* reduces the sum from £252,000, to £194,000, being, as he says, at the rate of £64,901 per annum.

Nature of "Secret Service" at that time.

The salaries of the Ministers so designated.

But a point far more conclusive as to the frugality of Danby's administration, is the fact that the title of "secret service money" is only calculated to mislead at the present time. It was applied to the payment of the salaries of the greatest officers of State, including the Prime Minister himself. "It is well known" says Lord Danby writing in 1711, "to all who are versed in the ways of the Exchequer, that many sums are included in the Privy Seals of secret service, which are either for expedition of public services upon sudden occasions, or to save paying of greater fees, where His Majesty is pleased to let it be so; as in the case of the Lord Treasurer, and Chancellor of the Exchequer's salaries, &c. (which were so paid, till lately altered by this Lord); and I am confident, that there is no year, wherein one third at least, if not half of the payments under the Privy Seals of secret services, might not be exposed to a public account as well as any other payments.

Danby's account of the disbursements

"And whereas it is objected, that the sums now paid for secret service are much greater than formerly, nothing can be

* Memoirs relating to the Impeachment of Thomas Earl of Danby p. 22.

CHAP V.

more untrue; but the mistake lies in this, that formerly great sums were commonly paid to a particular person by a Privy Seal for some public use, and money was commanded from that hand to private uses by particulars orders and commands, which were never seen in Privy Seals for secret service; but were discharged by Privy Seals afterwards, upon passing their accounts. For it is well known, that in five or six of the first years after the King's restoration, there was more money given to particular persons in every year of that time, than has been paid to private uses in the whole time of this Lord's being Treasurer; and yet I am confident, that scarce one shilling of those great sums appear under any Privy Seals of secret service, so that in truth, this which is imputed as a crime, was one of the most useful services this Lord could do—to let the King see by a particular account what those expenses came to, which were formerly so huddled up that His Majesty could not be sensible of the greatness of those disbursements."*

Charge of bribing Members of Parliament

In another portion of his memoirs he adds, that though his opponent has said that his "pension of eight thousand pounds per annum as Lord Treasurer, was never included in secret service; it was never paid otherwise until Michaelmas, 1676, and by a warrant dated the 12th of July, 1676, which I procured to express the particular service, nor in all My Lord Southampton and Lord Clifford's times (and I think the Lords Commissioners) was it ever otherwise than by secret service."†

With respect to the portion of secret service money disbursed to Members of Parliament, it must be remembered, that many of the Members represented the sums they received as being compensations for the loss of offices, contracts, and monopolies, and that there was as yet, no law against placemen sitting in the House. Lord John Russell designates the increase of pensions by Danby, from £12,000 to £20,000., as "the sum appropriated to the service of corrupting Members of Parliament,"‡ but his Lordship over-

* Danby Memoirs 13. † Danby Memoirs 121.

‡ Life of William Lord Russell 4to. 88.

looked the fact that many of these pensions were given to placemen for offices now publicly recognized and paid. Ministers have always found means, with more or less delicacy, to "gratify" relatives and supporters in the House of Commons; and the mode of legislating by creation of commissions was not then found out.

Danby attempts to be bailed by the King's Bench.

Danby had attempted to obtain his liberation from the Tower upon bail by an application to the Court of King's Bench, but the judges were too corrupt, and the fear of the dominant party was too strong, for them to assent to a course which they in the end, after the lapse of four years, adopted. They intimated that they had not power to take bail for a prisoner committed by the House of Lords, although for no overt acts of crime; but, as Danby afterwards proved, Pemberton the Chief-Justice stated, that they would take time till the next term to consider whether they could grant the application or not. In the mean time the activity of his enemies had instigated the infamous informer Fitzharris to make a distinct charge against the Earl that he had instigated the murder of Sir Edmundbury Godfrey, An indictment was actually found upon this frantic assertion, but before it could be tried the credit of the plot had fallen, and the wretched perjurer Fitzharris had died, praying Danby's forgiveness for having made the charge.

Charge by Fitzharris.

The difficulty that, according to Lord Chesterfield's letter, "lay in the men of the robe," and especially in "the chief of them (Pemberton), who was engaged in a conterary interest" —became very apparent when in Easter Term 1682, Danby came up to renew the application he had previously made to the Court of King's Bench. Scarcely had Mr. Saunders, his counsel, made the formal application for the decision of the Court, which it had taken time from last term to consider; when Pemberton flew in a passion and declared that their decision had last term been final. He accused Mr. Saunders of having "offered to impose on the Court what had never been said by them," adding that they had "told My Lord of Danby the last time that it was not in their power to give him any relief at all; and that he therefore wondered, and must extremely blame Mr. Saunders, for moving the Court

Renewal of the application.

CHAP. V.

again in a matter to which they had already given such a positive answer; and could not but admire, that he should so misinform his client, as to give him any such advice, which could only be to the giving both him and the Court an unnecessary trouble."

Scandalous conduct of Pemberton the Chief Justice.

The discomfited barrister, conscious as he was, that the corrupt tool of the opposition who sat upon the bench, had resorted to a naked falsehood, was yet afraid to do his duty. He answered in a crestfallen tone "that he humbly begged his Lordship's pardon, if he had mistaken him; for that truly he did understand that his Lordship had declared that he would take time to consider of My Lord of Danby's case till the following term; but that if it was a mistake, he must beg his Lordship's pardon, and did believe the rest of his brethren took it so, as well as himself."

But Danby who had made, and probably bribed, such creatures as Pemberton, more than once, was not to be put down. He got up and expressed his surprise at being met with such an objection,—repeated that his counsel's version of what passed was true, and "did therein appeal both to the rest of the Judges, which were upon the Bench with him, and to all other persons whatsoever who were then in Court, whether his Lordship had not said, that if he (meaning the Earl of Danby) pleased they would take time to consider of his case till the next term; *and he did declare upon his honour, that those words had been pronounced to him by My Lord Chief Justice himself*, and that he did then accept it as a favour from the Court, and did return his humble thanks to them for it; insomuch that he confessed he was very much surprised to meet with such an introduction at the first entrance into a matter which he conceived to be of so great weight, as he doubted not but he should make this case of his appear to be.

Danby's spirited speech.

"But yet that it did give him reason to believe, that he came with some prejudice before their Lordships, and that they were so much prepossessed in this matter, that if he did not think every man in England would find that he might be concerned in what resolution should be given in this case, as well as himself, he should scarcely have ventured upon it,

though he had lain so long under so unreasonable a confinement, as he took himself to do; and therefore he must desire their Lordship's patience and attention to what he had to offer in his own behalf, and (as he believed) in the behalf of the liberty of the subject in general."*

Pemberton was not proof against such an appeal as this, and Danby proceeded to speak "for two hours" on his own behalf.

From the opening of his speech, it seems, that the Chief Justice was not without the benefit of a quibble in the matter; for it was on the first day of the term following that on which their Lordships took time to consider, that Danby was taken, as he expressed it, "to prevent his coming there, on an indictment which was brought against him (ready cut and dry'd as he had been told), for his being privy to the murder of Sir Edmundbury Godfrey."

This ridiculous accusation was treated so seriously, notwithstanding the recantation of Fitzharris on his death-bed, that the brothers of Sir Edmundbury had received notice of the intended application for bail. They were not present and probably gave to the charge the character it deserved—that of an attempt of the party of Lord Shaftesbury to take advantage of the credulity of the time for Danby's destruction. "The wretch himself Fitzharris," his Lordship said, "did two days before his death, send the Minister of the Tower to his Lordship, to beg of him that before he died his Lordship would forgive him his having sworn falsely against him; and he did confess, that he was put upon it to save his own life; and did say by whom he was prompted to it. And whether it proceeded from those men who might think their villainies discovered, and so might fear they could no way be safe but by putting that matter yet farther against him, or from what other cause he could not tell; but (if he was not misinformed) he did hear that some men were still endeavouring to get something more of the same nature to be sworn against him, if they can contrive how to make their forged testimonies to agree about it."

Recantation of Fitzharris.

* Argument of the Earl of Danby.

CHAP. V.

What Danby could not then discover, it would be vain to try to ascertain now, but that great activity was exercised to obtain his continued imprisonment there, is no doubt. The rumours of the profits to be made in the trade of giving testimony of the plot, had brought into London a number of profligate Irishmen, such as the pretended friars who swore away the life of Plunket, the Roman Catholic primate of Armagh. One of these, called Magrath, who distinguished himself by inventing an account of the Irish branch of the plot, in which he alleged that the Earl of Clanrickard was engaged,* seems to have been encouraged to attempt the destruction of Danby. He accordingly waited upon him on his committal, and proposed to suborn testimony to show that Sir Edmundbury Godfrey had committed suicide, so as to remove the charge which Fitzharris had made against the Earl. Danby detected the plan, (which bears suspicious marks of the authorship of Shaftesbury), at once, and ordered Magrath out of his presence. This was not the only similar attempt which had been made; for he informed the Court, that "for the first year and a-half of his imprisonment, he was not a week without endeavours used by strange people to speak with him, and such as he had reason often to suspect were Knights of the post."

Affair of Magrath.

Supposed to be instigated by Shaftesbury.

Having opened a general statement of his condition, he complained that his counsel would be endangered by defending him; and he, therefore, rather than imperil those gentlemen, had the disadvantage of being without their advocacy. He then proceeded to state the grounds of his application to be bailed under six heads of which the following are an abridgment chiefly in his own words:—

"*In the first place* he said, that he had been both accused and committed, without any oath or affidavit made against him, for any crime whatever; which had been in the case of no other Lord but himself, and he did believe of no other man.

The six grounds of Danby's application.

"*Secondly*, that there was no particular Treason mentioned in the articles against him, only the word Traitorously had been applied to things which were not Treason, if they had

* See his broad-sheet, with others in the British Museum.

been true, that when it could not be maintained by argument in the House of Commons, that any of the crimes mentioned against him were Treason; it was answered by one of the long robe there, that however they ought to give the title of High-Treason to the articles, for that otherwise they would dwindle to nothing when they came into the House of Peers. Now in the impeachments of the other Lords they were charged with the highest Treasons in name, and upon oaths made against them.

"*Thirdly*, when a short day was set by the Lords for his being heard, and that he appeared that day accordingly, his Council was then threatened if they did dare to plead matter of law for him; which he said was never heard of before in any man's case whatsoever, nor in the worst of times.

"*Fourthly*, if all the articles had been true against him, and had been Treason, he had His Majesty's pardon; and yet, that both that pardon and he had been prisoners together for above three years, of which he durst confidently affirm, that his was the first precedent since the conquest.

"*Fifthly*, that he had not only His Majesty's pardon, but that there had been His Majesty's declaration of it in his speech to his two Houses of Parliament; together with a declaration of his innocency, and a declaration that he would give him his pardon ten times over, if that were defective either in matter or form. And in this also he said that his case was not only particular from any others, but that such declarations of the King's intentions to pardon, (although the formal pardons have not been obtained) have heretofore been alone a ground to procure bail at least, when the party has been the King's prisoner, and at the King's suit, which he supposed was not doubted in his case.

"*Sixthly*, that he had not only been thus committed, and thus detained for above 40 months, but he had been kept a prisoner without any prosecution for the greatest part of that time, which is another sufficient ground by the law for bail; but instead of a restraint *ad custodium* he said he had undergone punishments greater than the crimes alleged against him could have deserved.

(1st.) "By the inconvenience of his accommodations in the

CHAP. V.

prison for above two years and a-half of that time. (2nd.) "By two most dangerous sicknesses in the prison, and (3rd.) "By the loss of divers of his family since his being in prison, who would some of them most certainly not have been in those places where they had been lost, had he been at liberty."*

The Judges take time to consider.

Having stated these grounds, he called on the Attorney-General to say whether he consented on behalf of the Crown to his enlargement, and that officer having given his consent, the Earl proceeded to argue in support of his application, displaying great power of close reasoning and remarkable familiarity with the principles of constitutional law.

This time, there could be no doubt that time was taken to consider before judgment should be delivered, Lord Raymond saying that the Earl had advanced "many things which it would not be easy to answer." Danby was then remanded, after a fruitless application of another counsel that "a rule of Court should be made to bring his Lordship thither again the first day of next term." This suggestion which the counsellor seems to have made as *amicus curiæ* exasperated Pemberton, on whose veracity it seemed to reflect, and "the Lord Chief Justice was displeased with the forwardness of that Council."

Danby again boldly replied to the Court, saying that though the counsellor had spoken without his directions, yet "that it was all alike to him, whether there were any rule of Court or no; for that they were like to be troubled with him again, and that he should not easily give over a cause wherein he took the liberty of the subject in general to be as deeply concerned as himself, and wherein he had found so little to be said against him, that he did believe he should be as troublesome to them as ever Judge Jenkins had been heretofore in the defence of English liberty." Danby was accordingly recommitted to the charge of the Lieutenant, and taken back to the Tower.

Danby is liberated upon bail.

On the 29th of June in the same year he was again brought up; but the judges could not yet decide whether or not they could allow him bail. At length whether by the King's

* Argument of the Earl of Danby in the King's Bench.

command or for some other reason, they became suddenly unanimous in granting his application, and he was finally liberated on bail, he being himself bound in £20,000, and four sureties in £5,000 each. The latter were Charles "the proud" Duke of Somerset; Christopher Monk, second Duke of Albemarle; Aubrey de Vere, twentieth Earl of Oxford; and Philip, second Earl of Chesterfield.

CHAPTER VI.

FROM DANBY'S LIBERATION TO HIS SECOND ACCESSSION TO OFFICE.

State of public affairs at this time. Danby waits upon the King. And avoids public business. Aversion to Danby of the Duke of York. Danby's relations with the Prince of Orange. Joins in the declaration to the Prince. Letter of Danby to the Prince of Orange, Lukewarmness of Halifax. Danby afraid to go to Holland. His letter to William III. James's conversation with Danby's son. Joins in the invitation to the Prince of Orange. Effects of the Trial of the Bishops. Terms of the Invitation. Danby's preparations for the invasion. His apprehensions of the result. His letter to Lord Chesterfield. He takes arms for William. Proceedings at York. Arrests Sir John Reresby. Echard's account of his proceedings. Takes Hull, York, Newcastle, and Berwick. His reserve as to the new oaths. Votes against the Regency. Burnet's account of his conduct. Falls fully into William's scheme. Is made President of the Council and Marquis of Caermarthen.

CHAP VI.

State of public affairs at this time.

DANBY was liberated at a time when the aspect of public affairs was anything but tempting to the ambition of a statesman. The confusions which crowded round the closing days of Charles II were thickening on every side. The desperate projects of Shaftesbury, and the wild vanity of the Duke of Monmouth, created objects of pursuit, for the multitude of the common people; while the hopes of the Roman Catholic priesthood and party were buoyed up by the prospect of the succession of the Duke of York. The mind of the King himself, was swayed by the French mistress, and she in her turn led away by the foolish fancy that the malcontents had it in their power to make her son, the Duke of Richmond, King.

The interest that Halifax had taken in the liberation of Danby had reconciled the enmity that had formerly existed between them, but that apparent reconciliation, was likely to rouse a host of enemies to both. Danby's first act on his liberation was to wait upon the King.

CHAP. VI.

"Lord Danby," says Reresby, "was bailed out of his long confinement of five years, and came the same day to kiss His Majesty's hand in the bed-chamber where I happened to be present. The King received him very kindly, and when the Earl complained of his long imprisonment, His Majesty told him he knew it was against his consent, which his Lordship thankfully acknowledged, but they had no manner of private discourse together. My Lord Privy Seal came into the presence presently after, and the two Lords saluted each other, but it was very slightly done on both sides; the next day, however, I went from the Lord Privy Seal to wait upon the Earl, when his Lordship desired me to present his service to him, and to tell him that he should have taken a more particular sort of notice of him, but that he thought it would not prove so much for his service: and the Earl said it was for the very self-same reason he had behaved so indifferently towards his Lordship; for there was at that time great jealousy of a friendship between them."*

Danby waits upon the King.

Danby had, however, no immediate desire to resume a public life. He judged rightly that the object of his old aversion—the alliance with France, was in full strength, and that danger and disgrace were likely to be the chief rewards of office. He gave to Reresby in some detail his opinion upon public affairs, and his reasons for retiring from political business for a time. "He told me," Reresby informs us, "that he would retire to his house out of town, nor concern himself with business; though he doubted not but he might if he would, but not upon the national foundation he desired, and, therefore, would have nothing to do with it; declaring his aversion to a French or Popish interest."

And avoids public business.

It would seem from his conversation at the same time, that the enmity of the Duke of York, whose nature was suspicious and distrustful, had something to do with determining Danby to avoid office in a court where his Highness's power was plainly in the ascendant. On concluding his visit to the King, he had gone to pay his respects to the Duke, and Reresby proceeds, "He told me also the substance of what had passed

* Reresby's Memoir 287.

CHAP. VI.

between the Duke and him, at the visit he made to his Highness after he had been with the King; and I thereby understood his Lordship was upon no very affectionate terms with that Prince. He said his Highness told him he had heard he had spoken slightingly of him, and he answered, it was true, that he had often been so unfortunate as to differ with him in opinion, and could not help saying that he had never yet found any cause to repent him of it; but that, for expressing himself any how against his person, if he heard so, they were whispers and lies, and desired to know who were his informers; but the Duke evaded that."

Aversion to Danby of the Duke of York.

Danby's political opinions had been considerably modified during his long imprisonment. He began to see that the Tory or old Cavalier party were running counter to a strong body of public feeling, and abetting the Court in a career which promised at no distant period serious dangers. Halifax and he were joined in this change of sentiment, and even Rochester supported as he was by the Duke of York began to take a similar opinion of affairs.*

Danby's opinions modified.

The public events which followed the retirement of Danby to his estates in the country, will be recorded in their proper place, in another biography.

The conduct of the Court in the last year of Charles, and the three of James that succeeded, had gradually detached from it all "moderate men," and even all men who had not given way to the political insanity which seems to have possessed the latter King. These looked on silently but expectantly at the downward career of James and his advisers, and not only "cast their eyes," but devoted their services, to the Prince of Orange. With this Prince, as we have seen, Danby had always kept up a warm friendship. When he had not only the will but the power, he advocated the side of

Danby's relation with the Prince of Orange.

* 'A few days afterwards, I visited the Lord Danby, who informed me that Lord Rochester was closing in with the moderate men, not out of any affection for them, but to make himself a stronger rival against Lord Halifax, who was suspected to stand upon a firmer bottom than he, and, consequently, to be better able to stand the shock of Parliament in the case the King should be prevailed upon to call one; * * * * for it was Lord Danby's opinion that there was a very strict conjunction between us and France, though they had so lately taken Luxemburgh, and were likely to succeed according to their own wishes."—Reresby's Memoirs 291.

William against France in the councils of Charles—supported his alliance as long as his master's desire of money would permit him, and finally, by compassing his marriage with the Princess Mary, gave him that right to interfere in the affairs of England which William for many years intended to be his ladder to the throne.

With whatever hopes, however, the disappointed statesmen or pure patriots in England, may have looked to the Hague, they had no opportunity of acting till the arrival of Dyckveldt on his embassy, to ascertain the feeling of the English country party. Dyckveldt, according to Burnet was commissioned to sound Danby, amongst others, by name. William, the Bishop says, "desired that those who wished well to their religion and the country would meet together, and consult such advices and advertisements as might be fit for the Prince to know, that he might govern himself by them. The Marquis of Halifax, and the Earls of Shrewsbury, Devonshire, Danby, and Nottingham; the Lords Mordaunt, and Lumley; Admirals Herbert and Russell; and the Bishop of London (Compton), were the persons chiefly trusted, and by the advices that were sent over by them, the Prince governed all his motions. They met at the Earl of Shrewsbury's, and there they concerted matters, and drew the declaration on which they advised the Prince to engage."*

Joins in the declaration to the Prince.

A large number of the non-content party sent back their opinions by the envoy, but Halifax was too cautious to venture on so decided a step. He prescribed time and forbearance; and it would appear from the letter of Danby, was not communicative as to the project to those who were equally trusted. That letter was at considerable length, but contains little of importance, all the information of weight having been sent by verbal message through the Minister. "At the arrival of M. Dyckveldt in this place," Danby writes to the Prince of Orange, "I did by him receive the honour of being remembered by your Highness. He also then told me, that your Highness had been pleased to name me, amongst some others, with whom it was your pleasure he should confer on such occasions as he should think were for

Letter of Danby to the Prince of Orange.

* Hist. of Own Time.

CHAP. VI.

the service of your Highness. I am therefore, in the first place, obliged to return your Highness my humble thanks for so great an honour, and next to do that justice to M. Dyckveldt to assure your Highness, that as you could have employed nobody here who would have been more agreeable to your well-wishers in this country, so I am confident that nobody could have discharged themselves better than he hath done, both in his deportments to the King, and with all the satisfaction that could have been wished to those with whom he has conversed, concerning your Highness, (of which both the numbers and quality have been very considerable), his chief business having been to give assurances of your Highness's great firmness in the Protestant religion, and to make known not only your wishes, but endeavours, that no alteration may be made amongst us, otherwise than by Parliament, and as our laws direct. . . . . I am sorry he is able to give your Highness no better an account of our services during his stay here; but you know that our present stations do render most of us but little capable of doing any thing which can deserve to be thought considerable. I confess that, could there be a convenient opportunity for some of us to have a personal conference with your Highness, it is not only my opinion, but the opinion of others, who have the honour of corresponding with your Highness, that some overtures might be made, which would be of some use to your service; and I hope from their hands your Highness is well informed of their thoughts, who are devoted to your service. For my own part, I am so tied to be of that number, by what I have done already (besides my continued inclination to be so), that if I were disposed to alter that character, I should not be able to make myself believed, unless your Highness would contribute to it by some proof of your displeasure towards me, which I can never fear, because I am equally assured of your justice, as I am of my own integrity to your service, and of the satisfaction I have received by those happy successes I have had in it, to which I am sure no competitor can pretend an equal share; and therefore, if in this I presume to say more than I ought, I hope I may be pardoned a little vanity, having been the

Wishes for a personal conference with James.

happy instrument of so great a public good, as I doubt not it will at last prove, as well as a particular one to your Highness. I am glad to find that M. Dyckveldt, who is so able to serve your Highness, is so well established in your confidence, as I understand by My Lord Halifax, to whom you gave him such credentials as made me willing to speak much more freely to him than otherwise I should have done; but yet I must confess to your Highness (which I rely upon your justice to keep to yourself), that finding his Lordship, who received those credentials, not willing to impart some things to him, which are not very proper to be written, I thought it less prudent for me to say to him all that I could wish your Highness were truly informed of. I say not this with the least reflection upon My Lord Halifax (who I am confident, is truly zealous in your service), but to show our unhappiness who dare not, to second hands, speak what was necessary for your knowledge."*

Lukewarmness of Halifax.

In another letter sent by Zulestien the second envoy, Danby under date of Wimbledon, September 4th, 1687, informs the Prince that he "made some open attempts in the last summer, and some private ones in that, to have seen if he could have gained leave to go into Holland, with the same indifferency that it has permitted many others, but he still found that designs were laid to do him more prejudice by that journey, than he could have done service to the Prince."

Danby afraid to go to Holland.

At this time, James, whose want of sagacity in small matters seemed at last almost like lunacy, announced that the Queen was *enceinte*, in reply to his prayers to Saint Winifred, and by the virtue of the pilgrimage he had taken to the well of the Saint in Wales. The whole circumstances connected with the birth of the unfortunate James Edward Francis, who came afterwards to be known in English history, as "the old pretender," betrayed an amount of imprudence and folly on the part of the King and his advisers, not consistent with the amount of cunning vulgarly attributed to ecclesiastical counsellors.

A great body of the people believed that the pretended birth would be a cheat upon the nation, intended to exclude

* Dalrymple's Memoirs.

CHAP. VI.

the Princess of Orange from the Throne. The coffee-houses sparkled with *bon-mots* of the press, and teemed with broadsheets and lampoons, in one of which Swift tried his early muse.* There is no reason to doubt that great numbers of the best informed persons fully believed that James intended to palm off upon the kingdom a supposititious heir, and Danby was probably sincere in writing to William on the 27th of March, 1688, as follows:—

His letter, to William III.

"Many of our ladies say, the Queen's great belly grows faster than they have observed their own to do; and because it is fit Her Majesty should always have the greatest persons near her in this condition, I hope the Princess will take care that the Princess Anne shall be always within call; and especially to see (when the time is near) that the midwife discharges her duty with that care which ought to be had in a case of such great concern. Our zeal here for the protestant religion doth apparently increase every day in all parts of the nation, and the examination of the minds of the nobility and gentry, has made such an union for the defence of it through the kingdom, that I verily believe they begin to despair of supplanting it by violent means, and it is certain they can do it no other way. The constancy and firmness which both the Princesses' have shown in their religion, and your Highness's mind in relation to things here (which was so prudently made known by Monsieur Fagels' letter), has so contributed also to add courage to that union * * * * that I am confident these want only the opportunity to the greatest part of the nation to show their zeal for your service. * * * * I have one thing only to lament, though our union, in general, be very great, yet particular distrusts are so great also, as render many good intentions very ineffectual."

James, in the meantime, was not ignorant of the plans of of the discontented party in England, and attributed to Danby a full complicity with them. The ex-Minister, in his retirement, was even more open to surveillance than when he was busy in the turmoils of office, and James knew his attachment to the principles and person of the Prince of Orange;

* See some previously unpublished poems of Swift, in Doctor Wilde's very entertaining and able book "The Closing Years of Dean Swift's Life."

for he had not forgotten that the marriage of his daughter was forced by Danby, at a time when he was not anxious for the alliance, and that William and his partizans, were founding their hopes on that event.

The emigration to Holland, of those who had been prevented by the persecutions of Lauderdale, from remaining in Scotland, and of the real friends of constitutional liberty in England, had proceeded to an extent sufficient to alarm the King, and when, in obedience to the despotic custom of the time, the son of Danby, Lord Dumblaine, writes to James to ask permission to go beyond sea; he told him very plainly that he must not go to Holland, and that he had relations who had other designs there than mere curiosity. Danby writes to the Prince of Orange, the particulars of this interview at the end of March, 1688, when matters were nearly ripe for the invasion that followed. "I am forced to give your Highness the trouble of this second letter, to inform you that upon my son's asking the King's leave to go beyond sea, His Majesty granted the leave, but said with some heat, 'provided it be not into Holland, for I will suffer nobody to go thither;' my son answering, that he had no design of anything, but to see a country he had not seen, the King answered, perhaps so, but he had relations who had other designs there, and he knew there were those in Holland who gave themselves hopes of seeing some English Lords at the head of some of their squadrons, but he would take care to prevent it. After this discourse to my son, which was in a room next to the bedchamber, he came out into the bedchamber, and My Lord Dumbarton, and Lord Litchfield being only there, the King said to My Lord Dumbarton, 'I find they are much surprised in Holland with my raising three new regiments;' to which My Lord Dumbarton answered, that he wondered why they should be so; the King replied, that they would be surprised much more before he had done with them. This was on the 27th, at night, and on the 28th my son went to court, to get his pass from one of the Secretaries of State, and the King happening to see him, called him to one side of the room, and said, 'My Lord, I had newly received some news last night when you spoke to

James's conversation with Danby's son.

CHAP. VI.

me, which had disturbed me, and made me speak to you in some disorder, therefore I would not have you take notice of any thing I then said to you, for I dare trust you to go where you will; but said, if you only go for curiosity, you might as well satisfy that elsewhere as in Holland."*

The trial of the Bishops† was an event that struck deeply on the mind of Danby, as on that of many others, proving, as it did, that the King had become perfectly reckless. That he looked, even before that, to the necessity of calling over the Prince of Orange to place restrictions on the King, there is little doubt, but on the evening of the Bishop's acquittal, he joined Shrewsbury, Devonshire, Lumley, Compton Bishop of London, Admiral Russell, and Henry Sydney, in the celebrated invitation to the Prince of Orange. Devonshire, who had been that Lord Cavendish that had persecuted Danby with such relentless rigour, had met him at the house of a friend, at Whittington, in Derbyshire, and made a willing acknowledgment in the presence of Colonel D' Arcy, that he and those who acted with him, had been mis-led.‡ Indeed, the dangers to the Commonwealth, had united men of the most opposite political opinions, and whoever had been separated by personal animosity. In the case of Danby, however, the truth had begun to appear to his violent opponents even before James had driven matters to so great an extremity. "Many," he says, "both of Lords and Commons, who had in 1678 voted against me, (and particularly the Lord Russell, and Sir Henry Capel, who was the man that carried up that impeachment to the Lords,) owned to me their being led into great mistakes concerning me, and that they were sorry for it, and that many others were then undeceived as well as themselves." §

Joins in the invitation to the Prince of Orange.

* Dalrymple Appendix. † June 30th, 1688.

‡ This alliance was thought very ominous by the Royalists. "Lord Fairfax, a Roman Catholic, and Lord Lieutenant of the North Riding, being at York, observed to me," says Reresby, "it could be for no good end that the Lords Devonshire and Danby were come down to the country, though the former pretended that he was only come down to view his estate, and the latter, to divide the water at Knaresborough."—Reresby 356.

§ Danby Letters, Introduction, page 6,

He who had been the champion of the non-resisting test—the advocate of passive obedience,—and who had shut up the coffee-houses to restrain public opinion, now found himself high amongst the resistance party, and inviting foreign aid. Indeed, according to Burnet, and the fact is not improbable, Danby was the chief cause of the Revolution, by not only adopting the project of William's intervention himself, but bringing Compton, the Bishop of London, into the scheme.

Effects of the trial of the Bishops.

The affair of the Bishops had created great enthusiasm amongst the populace, and Danby and his friends supposed it would create an equal violence in the councils of the King. Accordingly they transmitted to the Hague, a document which, if it was only meant as a request for William to come over and force James to call a "free Parliament," was so strongly worded that the Prince of Orange was justified in considering it an invitation to the crown.

"The people," they write, "are so generally dissatisfied with the present conduct of the government, in relation to their religion, liberty, and properties, (all of which have been greatly invaded), and they are in such expectations of their prospects being daily worse, that your Highness may be assured, that there are nineteen parts twenty throughout the kingdom, who are desirous of a change; and who, we believe, would willingly contribute to it, if they had such a protection to countenance their rising, as would secure them from being destroyed, before they could get to be in a posture able to defend themselves. It is no less certain, that the greatest part of the nobility and gentry are as much dissatisfied, although it may not be safe to speak to many of them beforehand; and there is no doubt but that some of the most considerable of them would venture themselves with your Highness at your first landing, whose interests would be able to draw great numbers to them, whenever they could protect them, and the raising and drawing men together; and if such a strength could be landed as were able to defend itself, and them till they could be got together into some order, we make no doubt but that strength would quickly be increased to a number double to the army here, although their army should all remain firm to them."

Terms of the Invitation.

CHAP. VI.

After holding out strong hopes, which were entirely well founded, that the royal army would desert to the Prince, and that if a blow were not soon struck James could render them helpless by calling a packed Parliament, they proceed to say, 'These considerations make us of opinion that this is a season in which we may more probably contribute to our own safeties than hereafter, (although we must own to your Highness there are some judgments differing from ours in this particular), insomuch that if the circumstances stand so with your Highness, that you believe you can get here time enough, in a condition to give assistances this year, sufficient for a relief under these circumstances which have been now represented, we, who subscribe this, will not fail to attend your Highness upon your landing, and to do all that lies in our power to prepare others to be in as much readiness as such an action is capable of."*

They urge William to come over at once.

At the end of this they rebuke the Prince seriously for having complimented the King on the birth of the Prince of Wales, "which not one in a thousand believed to be the Queen's son," and inform him that he must make that alleged imposture one of the principal reasons for his coming armed into England. They conclude by advising him to bring a quantity of artillery and ammunition. At this time the project of the intended invasion and its immediate occurrence, had become well known, and Danby, the Court was fully assured, was one of its principal movers.

"The Duke of Newcastle," Reresby relates, "who kept nothing a secret from me, told me he had heard Lord Danby had a great sum of money in the bank of Holland, and that he had been invited up to London by My Lord Bellasis and the King's order; that he made some offers of his service, but that he had no manner of intention to go up, which last I very well knew from other hands." †

Danby's preparation for the Invasion.

Yet Danby had thought it necessary to keep up a semblance of loyalty, and was gazetted by James as one of those who had tendered their services to the King.‡

* Dalrymple Appendix, II. 107. † Reresby's Memoirs.

‡ "Whitehall, Oct. 10. Several of the nobility and gentry continue to offer their services to His Majesty, amongst which are the Earls of Pembroke, Westmoreland, and DANBY, and the Lord Huntingtower."—*London Gazette, Oct.* 11, 1688.

It would seem, that he began now to think he had gone too far. The quarrel before him was very doubtful, and the possibility of evil results both to himself and the country was not pleasant to contemplate. Reresby who was his neighbour, and who had adhered throughout, though without doing much service, to the cause of James, says that "On the 15th of October, in some discourse with the Earl of Danby at the Dean's house, his Lordship broke out into these expressions: "We are now every way in an ill condition in this kingdom. If the King beats the Prince of Orange, Popery will return upon us with more violence than ever. If the Prince beats the King, the crown and the nation may be in no small danger."*

His apprehensions of the result.

Danby was not singular in these apprehensions. Large numbers of the nobility, clergy, and gentry, however much they were shocked at the violent measures of James, were not prepared for a Revolution, and for the absolute transference of the Crown—the object at which they began to see William had been all along aiming. The blow however was about to be struck. William was already prepared to put to sea, and Danby had taken a lead in the advancement of his interests. In the letters of the second Earl of Chesterfield, we find the following from Danby, dated only 1688, but most probably in or near the end of October:—

"My Lord,

His letter to Lord Chesterfield.

"The long acquaintance I have had with your Lordship, and the confidence I have of your honour and worth, makes me venture to impart to your Lordship the great design that is now on foot. The Prince of Orange, if the wind serves, will land in England with twelve thousand men within this fortnight; Hull will be delivered to him, and the greatest part of the King's army with many of the nobility, will revolt. I confess, as to my own part, I had rather lose my life in the field than live under an arbitrary power, and see our laws and religion changed which is now visibly the King's intention, but I do not know what your Lordship's thoughts may be of this matter, and therefore I will stay at Leicester till you send mee word if you doe

* Reresby's Memoirs 358.

CHAP. VI.

approve of our undertaking, I will come over to Bretby, and after having acquainted you with all the particulars of our whole designe, take my measures with your Lordship; but if you dislike our proceedings, I will not doe you so great a prejudice. However, I thought it might be a service to you, to let your Lordship know what is now transacting that you may sute your occasion, and prepare yourself for so great a change as is speedily like to happen.

"I am, My Lord,

"Your, &c.,

"D.

"Pray send mee your answer immediately by this bearer, for I doe only stay in this place to receive it."*

He takes arms for William.

At this time William was expected in the north, when Danby would have been required to play a much more direct and prominent part. When he heard that he had landed at Torbay, and was advancing upon Exeter, he immediately took arms. He was accompanied by his son, Lord Latimer, Lord Lumly, Lord Horton, Lord Willoughby, and a large number of gentry and their servants, in all, making one hundred horse.

A meeting had been appointed in York to petition for a free Parliament, and the Duke of Newcastle, whom James had made Lord Lieutenant of both Ridings of the county, came to the city to dissolve the meeting, if anything but the utmost loyalty should be expressed, thinking "it not fit that there should be so much of the militia together." The meeting assembled, and immediately showed evident signs of becoming very seditious towards James, Sir Henry Goodrich openly accusing the King of endeavouring to bring in Popery. Lord Danby did not attend the meeting, but took up his residence in the city, to await the result. After much discussion, they at length agreed to a petition, and we have what followed, from Reresby, who was an eye witness, being present as Governor of York. "They proceeded," he says, "to sign, but before a third man could subscribe it, in comes one Mr. Tankard, with a rueful story, that the papists were risen, and that they had actually fired upon the militia-troops.

Proceedings at York.

* Chesterfield Letters p. 336.

Alarmed at this, the gentlemen ran out, and those that were privy to the design betook them to their horses, which were conveniently at hand for their purpose. Lord Danby meanwhile in his lodging, waited for the false alarm, and mounted with his son, Lord Lumley, Lord Horton, Lord Willoughby, and others, who, together with their servants, formed a body of horse, consisting of a hundred in number, well mounted, and well accoutred. These rode up to the four militia-troops, drawn out on another account, and cried out, 'A free parliament; the protestant religion, and no popery!' The captains of these troops were, Lord Fairfax, Sir Thomas Gower, Mr. Robinson, and Captain Tankard; who being admitted of the secret the night before, though prompt and ready enough in their nature for any action of the kind, immediately cried out the same, and led their troops over to them. In the first place, they sent to the main-guard of the standing company, which (the number not exceeding twenty) they surprized."* The governor attempted to obtain obedience. The four captains despised his orders, and he was fain to call out his own servants.

"I then," he proceeds, "sent for my own horses, and was just ready to go to the troops, in hopes, by my presence, to regain them to the king's service, when Sir Henry Bellasis, who had commanded a regiment in Holland, under the prince, and had lurked about a long while in Yorkshire for his Highness's service, drew up a party of thirty horse before my door and prevented any stirring abroad, till Lord Danby and his principal companions came up to me.

"His Lordship told me, that to resist were to no manner of end or purpose; that himself and the gentlemen with him, were in arms for a free parliament, and the preservation of the protestant religion and government, as by law established; which the King had almost brought to nothing, and which the Prince of Orange had come to restore, and that he hoped I would join them in so laudable an effort. I made answer, that I was for a free parliament and the protestant religion as well as they, but that I was also for the King. His lordship replied, that he was so too; and that he hoped as we

* Reresby's Memoirs, 364.

CHAP. VI.

agreed in principles, we should concur in action. I told him, though we exactly agreed in the matter, we differed widely as to the manner, and I could not conceive it lawful to extort anything from the crown by any measure of force; and that as I had the honour of being his majesty's governor of York, it was impossible, whatever the consequences might be, for me to join in concert with those who openly and avowedly acted in repugnance to, and contempt of, his authority and commission. His lordship then said 'he must imprison me,' to which I made answer, 'that I was naked and destitute of friends and assistance, and that I acknowledged myself in his lordship's power to do with me as he would.' But after some short consultation, his lordship told me, he knew me to be a man of honour, and that he should think my engagement not to stir, to be as sure and as close a restraint upon me as a guard or a prison; so that upon the pledge of my honour, I was to confine myself to my room; his lordship, however, recommended what he had offered to my farther consideration. They then seized on all the gates, posted strong guards every where, and suffered none to go in or out; they secured such persons as betrayed a dislike to their proceedings, and especially the officers of the company; but the company itself revolted to them the next day."*

Arrests Sir John Reresby.

Danby's preparations according to Eachard,† had been

* Reresby, 366.

† "He had formed a little army and council, in which he acted with the Lords Lumley, Fairfax, Willoughby, and others, who assisted him in the seizure of York. But when the Prince landed in the distant part of the country, this adventurous band began to be a little apprehensive for their own safety; but Danby reminded them that they were already guilty of treason, and as they could not go back, they must go forward. He told them that James was a coward, and would not meet the Prince. But he had recourse to artifice for keeping them in the right course. He intercepted all letters, and produced those only which answered his purpose; and when news came, which he could not intercept, that the King would pardon all that deserted the Prince, he caused a fabricated letter to be brought to him by express, just as he was sitting down to dinner with his friends.—It was only a letter, he said, from Lord ——, and might be read at leisure. After dinner he drew the letter from under his plate and read it,—his correspondent assured him, as a secret worth knowing, that the King, as soon as he could cause a disunion among them, was resolved to hang up all whom he could get into his hands. At another time he intercepted a letter from one of the King's friends in Yorkshire, acquainting His Majesty that the adherents of the Prince in those parts amounted to about 4000 men. Those to whom he showed this letter proposed that it should be stopped, but their artful chief added a cypher to the number, and thus sent to the King authentic information that 40,000 men of Yorkshire had risen against him."—*Eachard abridged by Courtenay.*—That James would have "hanged up all whom he could get into his hands," was no great stretch of fiction, in all probability.

Eachard's Account of his proceedings.

carried on with great perseverance and wisdom. He had even resorted to stratagem and trick to get up a number of adherents. By these means, he had kept together the gentlemen of his neighbourhood, and was enabled to get possession of York, Hull, Newcastle, and Berwick, on behalf of William. He busied himself in the Prince's interests till the 26th of December, 1688, on the evening of which day he arrived in London.* Danby seems to have wavered very much not only after the Revolution was accomplished, and during (as we shall presently see) all his time of office under William, but even while he was assisting in its progress. His delay in coming to London was remarkable, though William had repeatedly sent for him, while the crown, on James's return, seemed slipping from his grasp. When he did arrive, Turner, Bishop of Ely, and Lloyd, Bishop of Bath and Wells, tried to know his sentiments as to the legality of the Revolution and the proper course to pursue, but they "could make no discovery of his mind." To Lady Danby's half brother, Lord Abingdon, he lamented that James had been so ill-advised as to absent himself, which left any attempt at accommodation hopeless. He seems, in fact, not to have been prepared for William's undisguised attempt to drive out his father-in-law, and that by the most unfeeling course of conduct.

Takes Hull, York, Newcastle, and Berwick.

His reserve as to the new oaths.

Those who had taken part with Danby in the North shared in his indecision. We find again in Reresby, evidence of this. "I had discourse," he says, "with several of these gentlemen, and perceived that they began to reflect on what they had done, as of more danger than they at first thought of, and found they were troubled, that men came in so slowly to them. Lord Willoughby said, it was the first time that any Bertie had been concerned against the crown; that it was a grief to him, but that the necessity of the times was fatally such, that there had been no avoiding it."†

Danby took his seat in the House of Lords when the Convention Parliament met on the 22nd January, 1689, and immediately assumed a prominent place amongst the friends

* Diary of the Earl of Clarendon, II. 236.

† Reresby's Memoirs, 308.

CHAP. VI.

of the Prince. He was Chairman of the Committee which drew up the address to William, thanking him for his exertions and praying him to continue to govern. He was afterwards Chairman of the Committee of the whole House on the state of the nation, in which the consideration of the votes of the Commons took place. The Lords, before they considered the vote of the Commons as to the vacancy of the throne, debated the question brought forward by Lord Nottingham, of creating a regency in the name of James II. Danby voted against the regency proposition, which was only lost by a majority of 51 to 49. Now came on the famous resolution adopted by the lower house, "That King James II., having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between King and people, and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby vacant."

Votes against the Regency.

Danby voted against the statement that the throne was vacant; assuming (as there is every reason to believe he did sincerely) that the Prince of Wales was supposititious, and that, though James had made a demise of the Crown, Mary was in fact Queen. It is now impossible to know exactly what was Mary's wishes as to the throne of England. Burnet, in his anxiety to exaggerate his own services, has rendered his story inconsistent with more credible records; and recent historians have given us little help.* Danby went so far, according to Burnet, as to write to Mary into Holland, offering to make her Queen Regent, but she transmitted the proposal and her refusal to her husband. Halifax, whose chief anxiety was to secure under the new dynasty the high office which he so anxiously sought under the last; and whose reconciliation with Danby was but apparent and not real, saw the great error which the latter had committed in the eyes of William by his advocacy of the claims of the Queen, and took advantage of it. At the meeting at Lord Devonshire's, they came to high words upon the subject. Halifax had already prepared

Burnet's account of his conduct.

* See Macaulay's History of England on the point, and the criticism of the Quarterly Review upon it.

his way to make a good footing with the new court, and at this meeting, Lord Dartmouth notes that he forced Fagel, the Dutch Minister, to give his views; who protesting that he knew nothing of William's desires from himself upon the subject, said, as his own opinion, that "the Prince would not be content to be his wife's gentleman-usher."

Falls fully into William's scheme.

Danby now saw his mistake—the nature of which was, that he seems to have given William credit for too much sincerity throughout; and to have believed that the man who reached the highest office in Holland through the blood of De Witt, would have entered England only to put a crown upon the head of his wife. Whether from pique at the success of Halifax, or from real desire of office, Danby now joined the prevailing current, and on the day that the final vote was come to, "made an excellent speech to prove the vacancy of the throne, and the necessity of filling it with the Prince and the Princess of Orange."* He was, however, too late with his advocacy: William, who was no improvement on the House of Stuart in the quality of implacability, had been offended at the attempt to postpone him, and Danby had many enemies.

Halifax, it is evident, though not early in the secret of William's intended expedition, had lost no time in ingratiating himself with the new court, and had hit upon the right subject in advocating the priority of the claim of the Prince of Orange to reign.† In the new ministry, therefore, Danby was only appointed to the high, but not very lucrative, office of President of the council, having declined to accept along with it the more influential but inferior post of Secretary of State, and taking the Presidency, he assured his friends, at the urgent request of the King. He was at the same time raised to the dignity of Marquis of Caermarthen, for which his patent was being engrossed in the reign of Charles II., when the storm of his second impeachment burst upon him.

Is made President of the Council, and Marquis of Caermarthen

* Lord Dartmouth on Burnet.

† His new-born zeal had even led him to move that the crown be offered to William, without mention of Mary. "The Marquis of Halifax made a motion that the crown should immediately be conferred upon the Prince of Orange. Yet though he was seconded by *Lord Colepepper*, the House remained silent."—*Macpherson*, 1. 566.

CHAPTER VII.

FROM DANBY'S SECOND ACCESSION TO OFFICE TILL HIS DEATH.

Danby's disappointment. Causes of his apprehension. Remonstrates with William. Hopes of James's return. The House of Commons censures the ministry. They attack Danby. He advises the dissolution. "The Caermarthen Administration." Renewed attacks by the Commons. Instigated by Shrewsbury. William appoints a council of nine, and departs for Ireland. Letter of Queen Mary. And of Danby to the King. Battle off Beechy Head. Joy of the Jacobites. Danby volunteers to go to the Fleet. His renewed dissatisfaction. Opposition of the Lords of the Admiralty. The Queen's account of the Council. Confessions of the Jacobites. Rejection of the Triennial Act. Danby offers to go Lord Lieutenant to Ireland. Quarrels with the Ministry. Is created Duke of Leeds. His correspondence with the Court of St. Germains. Lady Shrewsbury's instructions. James's hopes from him. Danby is impeached a third time. Grounds of the impeachment. Danby defends himself before the House of Commons. William dissolves the Parliament. William suspects Danby, and he retires. His speech on the impeachment of Sacheverell. Attempts to sound Queen Anne. Adheres to the election. Publishes his "Letters" and "Memoirs." His death.

CHAP. VII.

Danby's disappointment.

DANBY, in one point of view, spoke quite truly, when he said that he accepted office unwillingly under the new government. His ambition was dissatisfied, and, as Halifax expressed it, he was on this account "down in the mouth." He had, with very good cause, hoped for chief office under William. He had been the earliest friend of that Prince, had brought about his marriage, and had ventured "his all," as he said, in his service. But William decided to have the Treasury put in commission, not certainly for the convenience of such a course, but to avoid the necessity of the choice of a Prime Minister.

Danby informed Reresby that "he had been appointed President of the Council quite against his will, *after the King had declared he could not give him the staff of Treasurer*; determined, as he was, that the Treasury should be in the hands of Commissioners." He further told his friend, that all he asked of William was, "a patent to which he had a

right by a former grant," namely, the Marquisate of Caermarthen, and that he took office because the King considered "it would be by no means for his interest to be out of all business."

Halifax had been able to tell the same annalist long before, that the Treasury would be put in commission—a fact which he probably learned in reply to his own application for the staff—and that Danby would be "disappointed and obliged to take up with the Presidency of the Council, a place of great honour and credit, but very small profit; while Halifax himself was made Lord Privy Seal of his own choice; an office of great trust, and with full £3000 a year."*

It would not be fair to Danby to suppose that his personal disappointment was the cause of the regret he felt about the results of the Revolution. He was a high Churchman, and found that he had been instrumental in advancing to the throne a Dutch Calvinist, who looked with far more favour on the Presbyterians, than on an Episcopacy, a part of which first flattered, then deceived, and finally abandoned, his predecessor. The bonds of the State had been loosened. Even the extreme partisans of William looked upon the change of dynasty as an experiment, and the throne was surrounded with none of the prescriptive safeguards of public feeling which it cost the Stuarts so much ingenuity of tyranny, folly, and ingratitude, to sweep away. Scotland was, in point of fact, as much in a state of independence, as if it had taken the course which a "court lady" informed Reresby, that "a great lord of that country" threatened, and chosen a government of its own; while in Ireland, James was still King, and Tyrconnell, his viceroy, carried persecution with a high hand all over the island, except in the single city of Londonderry,

Causes of his apprehensions.

* At a subsequent period Reresby gives Halifax's hopes against Danby in more detail. "And now Lord Halifax told me, that the Marquis of Caermarthen's retirement into the country, his pretences to be sick, and his so seldom appearing at Court, instilled fresh jealousies of him: that he had heard he should say, things could not long continue thus; that his relations and friends were very dangerous in their discourse, and that he himself was very open; that he found this new Marquis had no mind to be inward or intimate with him; that he supposed his Lordship might imagine he had kept him at a distance from the Treasurer's staff, but that, imagine what he would, he did not altogether deserve it; that, of all men in the world, the King would never have invested him with that office nor indeed with any other that was very considerable, as he would find, if affairs but held out till September. Hereupon I acquainted his Lordship with some grounds that made it suspected the President was discontented."—*Reresby's Memoirs*, 407.

CHAP. VII.

on the extrême coast of the north, where the Presbyterians settled in the time of James I. and those who had fled from the persecutions of Sharpe and Lauderdale were sustaining siege with a heroism unexampled in the history of war.

Reresby, to whom we are indebted for so much graphic and authentic information, as to the men and measures of this time, informs us that he dined with Lord Danby (for even his contemporaries agree in declining to use his higher title of Caermarthen) just at this period. "I found him extremely cooled," he says, "with regard to affairs as now managed. He said, that being embarked with his all, he was sorry to see things no better conducted; that Ireland was now in a manner become invincible by our neglect of sending forces thither before now; that with regard to this and other material points, equally unheeded, he had been pressing with the King to a degree even of incivility; that he had told His Majesty he plainly saw he did all he could to encourage the Presbyterians, and to dishearten the church, which could not but be absolutely prejudicial both to him and the government: though he at the same time observed that His Majesty interfered but little in councils, being prevented therefrom partly by inclination and partly by want of health. Indeed, the King looked but ill, and the difficulty he laboured under in swallowing, seemed to foretell him a man of short continuance in this world."

Remonstrates with William.

In this remarkable conversation, Danby expressed "himself doubtful of the continuance of affairs as they now stood," and related to Reresby, that James had sent to him by Charles Bertie, offering to throw himself into his hands before he went away; and he replied, that his own force was not strong enough to trust to, but if the King could bring a considerable party, "and come without his Papists," he would lose his life to keep him from injury. But James, "having no mind to part with his Romans," would not come. Even at this time, Danby still believed that if James could satisfy the people with safeguards, William might be driven out again. The following language used to a notorious Jacobite like Reresby, was calculated at all events to extract from him what were the hopes of his party—and was strange,

Hopes of James's return.

at least, if it had no latent meaning, when coming from the lips of William's President of the Council. He said, "if the King (James) would but quit his Papists, it might possibly not be too late yet for him. The Duke of Gordon, a Papist, and the Governor of Edinburgh-Castle (the only magazine in Scotland), who was lately ready and willing to surrender it to any body, now held it obstinately for King James; and the discontents in England grew daily greater and greater. He then reflected on Lord Halifax, the King, and all about him, as most strongly infatuated with notions of their own security, and particularly animadverted on the last-mentioned Lord, for insisting with such violence in a speech of his, that the Prince should be intitled legal and rightful King of this realm (which I suppose the Lord Halifax did with a view of continuing the old oaths of allegiance and supremacy, and to obviate all scruple about taking the new), saying it was mere nonsense; for that had the Prince of Wales been made King, he could never have been deemed our lawful Sovereign while his father lived. But his Lordship nevertheless appeared very serious and urgent about the legality of taking the new oaths, and condemned the Bishops for their squeamishness in that respect, though they themselves had had so large a hand in bringing about this great and extraordinary change; and thereupon quoted Lord Nottingham's speech, who, in the House of Lords, had observed, that though he had never in the least consented to this Revolution, but had with all his might opposed the Prince's accession, as contrary to law, yet since His Highness was here, and we must owe our protection to him as King *de facto*, he thought it but just and legal to swear allegiance to him."*

Parliament made another unavailing attempt to accomplish what, as long as principle or sincerity exists in matters of religion, can never be accomplished—the "comprehension," as it was called, of all Dissenters with the Church. It is scarcely possible for Danby to have been favourable to this attempt, for he seems at the time to have been looked upon as the champion of the High Church party, and as the friend of the non-juring Bishops. The second Earl of Clarendon men-

* Memoirs of Sir John Reresby.

CHAP. VII.

tions in his diary, that some of the latter consulted him as to their threatened suspension, and his advice was, that they should apply themselves to Danby, who would take their part if he thought there was any hope of success.*

The House of Commons censures the ministry.

Whether from the very constitution of the Convention Parliament, or from the great apparent instability of the government and the universal discontent, the new ministry soon fell under the censure of the House of Commons.

The House complained with good reason of the mismanagement of affairs in Ireland, where James had arrived and assembled a Parliament in Dublin; but the chief enmity seems to have been levelled personally against Danby. The House appointed a Committee on Irish affairs, and immediately afterwards a Mr. Howe, who, strangely enough, was at the same time Vice Chamberlain to the Queen, moved "that an address be presented to His Majesty, to remove from his presence and councils such persons as have been *impeached in Parliament*.†" This was sufficiently plain, and was followed, after some debate, by a very significant resolution that a pardon was not pleadable in lieu of an indictment by the House of Commons. The Irish Committee in the mean time proceeded with its inquiries, and in the course of them had occasion to address the King for liberty to see "the minute books of the Committee (of Council) for Irish affairs." To this William replied, that he "would consider of it;" and the Commons immediately resolved, "That those persons who have been the occasion of delaying sending relief to Ireland, and those persons that advise the King to defer the giving leave for some members of the House to inspect the minute books of the Committee for Irish affairs, are enemies to the King and kingdom."‡ Following up this resolution, Mr. Howe adopted the more open and direct course of moving that an address be presented to the King to "remove from his councils the Marquis of Halifax and the Marquis of Caermarthen." William, however, gave way, in the matter of the minute books, and the motion was unsuccessful for the present.

They attack Danby.

* Clarendon's Diary, December 15, 1689.

† Commons Journals, X. 162.—Parliamentary History, 283.

‡ Parliamentary History, 381.—Commons Journals, X. 217.

The Convention Parliament was determined by all means to coerce those who had been, and were suspected still to be, adherents of King James. In this spirit, in the bill for restoring corporations, they attempted to exclude all who had been consenting in giving up charters to the late King. This clause was lost, and the majority of two Lords, amongst whom was Danby, declined to vote that the surrenders were illegal. William was sick of these struggles and heats of party; so unlike what he anticipated from the English people, who had given so much despotic power to their hereditary kings, and who, he naturally concluded, would accord to him the same amount. To Danby, Shrewsbury, and others, he declared that he would go back to Holland, "leaving everything in the hands of the Queen." Danby, it is very probable, took advantage of this disposition of his mind, to advise the King to get rid of so troublesome a Parliament, well knowing, doubtless, that the state of the public mind would give the Church and Tory party a great majority in the next. That Shrewsbury and the Whigs were well aware of this is clear, from their opposition to the pending dissolution. Shrewsbury strongly remonstrated against it, and seriously intended to resign.*

He advises the dissolution.

On the 6th of February, 1689, the Parliament was dissolved, and a new one called for the 20th of March, 1690. In the meantime, Halifax, who had much to fear, both from the activity of his enemies, and from their knowledge of his previous proceedings, resigned the Privy Seal,† and in the new Parliament went over to the opposition.

* Letter to the King, 22nd December, 1689, in the Shrewsbury Correspondence.

† It would appear that, at this time, Halifax had some fear of an impeachment; for on the 6th of February he wrote to Lord Chesterfield,—"after having withstood the attempt of my adversaryes in Parliament, and out of the annoyance that is naturall to honest men, injured, defyed their malice instead of courting their friendship, I am apt to think it now (no lesse for the consideration of the publique than for my own ease) may bee fit for me to retire; and therefore I am resolved to do it very suddenly. I would not have troubled your Lordship with this circumstance concerning myself, but that I heard, upon my place having been offered to you, that you were in some disposition to accept it. This is the occasion of my writing, to desire you would take no resolution of that kind till I have the honour to see you, which will not be long, if the resolution holdeth, of calling a new Parliament immediately, at which I would much rather have your company than your proxy. The reasons I have to say this are too many to be set down in paper, so that you must give mee so much credit as to believe that without some reasonable ground to justify mee in it, this intimation should not have been given you."—*Letters of Philip, second Earl of Chesterfield*, 341.

CHAP. VII.

Danby does not appear to have taken part in the angry debates of the new Parliament, on the bill to make valid the proceedings of the Convention. The Tories were strong enough to begin a violent and powerful opposition, and when not successful, protested that "the declaring laws to be good, which were passed in a Parliament not called by writ in due form of law, is destructive of the legal constitution of this monarchy, and may be of evil and pernicious consequences to our present government under this King and Queen." Those, however, who defeated their motion as to the Convention, were strong enough to oppose their protest, which they accordingly ordered to be erased from the journals of the House. The influence of Danby had been gradually advancing, and was greatly increased by the retirement of Halifax. Historians attribute the new appointments to him ;* and the resignation of Shrewsbury, which followed the first display of Tory power, in the new Parliament, left him the head of what has been frequently called the CAERMARTHEN ADMINISTRATION.

The "Caermarthen Administration."

If Danby had not the office of Prime Minister, he had certainly all the responsibility and all the odium attached to it. He was attacked in Parliament as "having sold the nation to France once, and being ready to sell it again;" and it was declared that "no man who had been under impeachment was fit to be near the King." Colonel Granville, expressing the hostility of the Whigs, set more plainly about the matter: "I am," said he, "for the head of the Privy Council—a great man, a bold man, and an able man, capable of making an attempt upon English spirits. When we reflect upon the arbitrary acts and counsels of the Marquis of Caermarthen in King William's time, it reminds us of the same actions in King Charles the Second's time. I have heard of his merit in the Revolution. A private life would have better become

* "During the interval of Parliament several changes, unfavourable to the Whigs, were made in the higher departments of State. Though the Marquis of Halifax was removed from the office of Privy Seal, Danby, now Marquis of Caermarthen, who was equally obnoxious to the party, filled all vacancies with his creatures. The Earls of Monmouth and Warrington, and Sir Henry Capel, whose zeal in the late Revolution had been much distinguished, were dismissed from the Treasury. Sir John Souther, under the patronage of Caermarthen, was appointed first Commissioner, and Hampden, accommodating his principles to his interest, was made Chancellor and Under-Treasurer of the Exchequer."—*Macpherson's History of England*, I. 651.

him, and been more for his interests. I cannot wonder if people be cautious in sending money to those that have so often miscarried. At one leap, from being prisoner in the Tower, to be President of the Council, sticks with me. He has been impeached by the Commons of England; and now to grasp at power, to satisfy his revenge upon those who have impeached him for betraying the liberties of England! I would pass some censure upon him, and pull him down, though he were greater than he is, and I will be ready to do always so to those that betray the liberties of England."

Renewed attack by the Commons.

Several persons in the House defended Danby, but the determination to overthrow him was very plain. "All this," says Burnet, "showed a design against that Lord (Danby), who was believed to have the greatest credit with the King and Queen, and was again falling under an universal hatred. In a House of Commons, every motion against a Minister is apt to be well entertained; some envy him, others are angry at him; many hope to share in the spoils of him, or of his friends that fall with him; and a love of changes, and wantonness of mind, makes the attacking a minister a diversion to the rest. The thing was well laid, and fourteen leading men had undertaken to manage the matter against him, in which the Earl of Shrewsbury had the chief hand, as he himself told me, for he had a very bad opinion of the man, and thought his advices would in conclusion ruin the King and his affairs."

Instigated by Shrewsbury.

Burnet attributes to Shrewsbury the instigation of this attack, but Halifax probably had also lent some little aid.

William, at length, instead of retiring to Holland, as he threatened, set out for Ireland to reap the glory of his passage of the Boyne, and the disgrace of his repulse from Limerick; leaving to Mary the administration of affairs, which Parliament had provided she should assume in his absence. The Queen had a most difficult task to perform, and displayed great and unexpected ability. Her council of nine consisted of Danby, Devonshire, Pembroke, Marlborough, Nottingham, Monmouth, Dorset, Sir John Lowther, and Admiral Russell; but, according to the directions of her husband, she chiefly consulted with Danby. The letters of Queen Mary

William appoints a Council of nine, and departs for Ireland.

CHAP. VII.

to the King at this time, both for wisdom, sagacity, affection, and elegance, ought to protect her, at least, from the charge of being illiterate, which of all the faults that party spirit has laid upon her, was reserved for the present time to make. Half the Council were Whigs, and half Tories.* The Parliament was divided into violent and nearly equally-balanced parties, and the fleet was lying almost inactive, though the French were on the coast. The fleet was the Queen's first great trouble. Torrington was thought too slow in coming to an engagement, and the proposal, common in those times, was made to associate some person in the command. Monmouth, who was afterwards "the rapid Peterborough," offered to go at once, but as he was one of the Queen's Council, she objected to permit him. Danby, who merited the eulogium passed upon him, that he was a good judge of men, wished that another of the Council should be sent—Russell, who afterwards won the battle off La Hogue. Mary writes to William that she objected to Monmouth's going, as one of the Council, chiefly to prevent Danby from pressing the sending of Russell. In her letter she says:—

Letter of Queen Mary.

"I said it, really as I meant, and besides, to hinder propositions of this kind for Mr. Russell, for I see Lord Caermarthen has upon several occasions to me alone, mentioned the sending Mr. Russell, and I believe it was only to be rid of him; for my part, after what you have told me of all the nine, I should be very sorry to have him from hence. . . . . Now I have named Mr. Russell, I must tell you that at your first going, he did not come to me, nor I believe to this hour, would not have asked to have spoke with me, had not I told Lady Russell one day I desired it. When he came I told him freely that I desired to see him sometimes, for, being a stranger to business, I was afraid of being too much led or persuaded by one party. . . . . I hope I did not do amiss in this, and indeed I saw at that time nobody but my Lord President, and was afraid of myself. Lord Caermar-

* "The King (when he went to Ireland,) left a Cabinet Council of nine persons, on whose advice she was chiefly to rely: four of them were Tories, and four were Whigs; yet as the Marquis of Caermarthen and the Earl of Nottingham, being of the first sort, took most upon them, and seemed to have the greatest credit, the Whigs were not satisfied with the nomination."—*Burnet.*

then is upon all occasions afraid of giving me too much trouble, and thinks, by little and little, to do all: every one sees how little I know of business, and therefore, I believe, will be apt to do as much as they can. Lord Marlborough advised me to resolve to be present as often as possible; out of what intention I cannot judge, but I find they meet often at the Secretary's Office, and do not give much pains to give me an account. This I thought fit to tell you. Pray be so kind as to answer me, as particular as you can."*

A letter of Danby's at this time, shows how great was the apprehension of the danger from France, and how little even one Minister trusted the other at such a crisis. On the 16th of June he writes to William in Ireland:—

"London, 16th June, 1690.

"My former of the 13th, did not go as I expected, because I understood it would have no other conveyance than by the ordinary post, by which, not only myself dare not write, but my Lord Marlborow and others, (who know less than I do of that matter,) have declared publicly that they will not write but by expresses, having reason to believe, that Major Wildman has exact impressions of most people's seals, and that he makes use of his art.

"He does now produce letters which he pretends to intercept every post, which are interlined with white ink, with the best intelligence that can be given of Your Majesty's councils and affairs: they are always directed to Monsieur Contenay, at Amsterdam; and, I remember, my Lord Monmouth told me of such a direction above two months ago; but we never saw any of these till one about four days before Your Majesty's departure, and they are so much of one strain, that I cannot hinder myself from suspecting them to be sham letters, either to bring some of your Council under suspicion of betraying secrets, or to put a value upon Mr. Wildman's great diligence in your service at this time.

And of Danby to the king.

"I cannot but also acquaint Your Majesty of a private discourse of my Lord Monmouth's to me on the 14th, which did much surprize me; but although I now believe there is no such danger, yet it is fit for Your Majesty's knowledge.

* See Letter of Mary, in the Appendix to Dalrymple's Memoirs.

CHAP. VII.

It was that he did then believe we should in a few hours from that time, hear that 5000 French foot were landed in Scotland, to which a great number of Scotch were joined by that time. I told him if he knew it to be true, he ought to acquaint the Queen with it; which he said he would have done, if he had been very sure of the truth of it; but he was confident it would be found true in a few hours longer; but hearing nothing of it the next day, I asked him, why he had said so before? he answered, that the news had been brought by a man who came post out of Scotland in forty-eight hours, and had rid himself almost dead; but said he did not know the man, nor how to enquire after him; and upon further discourse, he said he told Your Majesty that he would endeavour to get what intelligence he could out of Scotland for your service, and that he would endeavour to prevent all things there which might tend to your dis-service, but that he would be torn to pieces before he would name any persons, and that you were contented to give him that liberty. In short, though I hope he wishes well to Your Majesty, I believe him to be abused by Wildman; and he was in as much disorder as I ever saw, when Ferguson's papers were searched, and went about a dozen times to his lodgings, where Wildman was all the time."*

In the meantime, the French, on the day before the battle of the Boyne, had brought Torrington to action off Beachy Head. The Dutch, who were in the van of the English fleet, fought gallantly and suffered great slaughter, in which two of their admirals fell. The English, however, deliberately stood out of the fight, not from any cowardice of Torrington, but, as his subsequent conduct showed, because he was in the interest of the hostile Court of St. Germains.

Battle off Beachy Head.

The news of the battle was exaggerated in London. Though the French fleet had found it necessary to retire to their own coast to refit, it was believed that they were actually sailing for the Thames, and that on the next evening they would anchor in the Downs. The Jacobites, and, indeed, the whole populace, were rejoiced, and the people of London proposed to rise and re-proclaim King James, who had undertaken to

* Dalrymple's Appendix, 174.

leave the Irish war to his generals, and re-appear in his metropolis. The position of the Queen and Danby was difficult in the extreme; for not only had they the disaster of the defeat to contend with, but they were unable amicably to arrange with the remainder of the Council as to the future command of the fleet, while they feared that William himself would be intercepted by the French, or compelled to entrench himself in Ireland for the winter, while James would re-ascend his throne. These apprehensions we find in a letter of Danby to the King, of the 7th July, 1690 :— Joy of the Jacobites.

"Sir,—I writ so at large to Your Majesty yesterday, that I ought not to trouble you so soon again, were it not to congratulate Your Majesty's victory over your enemies at Drogheda, which I hope I need not go about to persuade Your Majesty of my rejoicing in, as truly as any of your subjects. It is pity that so much bravery and greatness as Your Majesty shews in all kinds, should meet with any such repulse as you have done at sea; but I hope that may be repaired if those will do their duty to whom it belongs.

"However, as the present case is, without Your Majesty's speedy return, (besides many inconveniences here which would be prevented by it,) I do to the utmost degree apprehend its being made impracticable, in some little time hence, for you to return this summer, if you would, especially with any force, of which I think there is appearance enough that there will be need here, and yet how great soever that need be, it seems unreasonable to desire troops from you whilst your person is there. Your great Council do generally hope, that having lessened your enemies' army you will send back some troops, the fears here being very great, especially whilst the French fleet are about the Downs, where it is expected they will anchor this night. I will presume to trouble Your Majesty no further, but to beseech you to consider the importance of your return, whilst it is in your power.

"I am, with all duty and esteem,
Sir, Your Majesty's most faithful, and
most obedient subject and servant,
CAERMARTHEN, P."*

* Dalrymple's Appendix, 175.

CHAP. VII.

Danby volunteers to go to the Fleet.

In the general consternation, Danby even volunteered to go to the fleet. "The lords unanimously agreed," the Queen writes to her husband, "to send two of their number, and would have me choose them; I desired help and that they would name; upon which, the Lord President offered his services. Lord Monmouth said he thought he might be excused upon his relationship to Lord Torrington, especially as they were not to command the fleet. Mr. Russell said "he had served long under him, and, it would seem something indecent in him to be forward in offering his services in this particular." Marlborough and Devonshire said they could offer also, but that it would be ridiculous in them to do it, and finally, the Queen chose Lord Devonshire and Lord Pembroke. The choice was, perhaps, a compliment to their valour, but none whatever to their sagacity, for the Queen declared that she must send those she could best spare as counsellors. Speaking of the choice, she says, "I thought I could not fail in this, for there was not much choice, and these seemed the most proper to me, upon what I had heard them say, and the manner they said it. I told Lord President, when I named them, that he could not be spared; but I saw he looked ill-satisfied; so when the Council was up, I spoke to him, and bid him remember how necessary he was; he said he did not look upon himself as so tied, but he might go away upon occasions. I told him, if he were not by place, yet being the person you had told me whose advice I should follow, and rely the most on, I could not spare him."

His renewed dissatisfaction.

This was not the only instance of Danby's great dissatisfaction. He was, in fact, disappointed with the whole arrangements of the government, and with all that he had been the means of accomplishing for it. He had just at this time a good cause to be displeased. Charles II. had settled a pension of £2000 a year upon Danby's daughter, who married Lord Plymouth, his natural son, and Lady Plymouth at this time, wished to compound for the future payment of one half of it for a sum of £8000. This grant two of the Lords of the Treasury refused to pass, alleging that "it was too much to spare at that time," though money was being

allotted to the Dutch favourites with much less scruple. Mary, at this time, shared Danby's apprehension, that William might be intercepted by the French, and find it out of his power to return from Ireland. She refers to it with feeling apprehension.

"Lord Caermarthen," she says, "will write to you about a thing he has just put in my head, and since I thought of it, I only fear that, and nothing else! I desired he would write it himself, believing what he said would have more weight with you than if it came from me, for you would believe I spoke much out of self-interest; I wish to God he could prevail."

The difficulty about the command of the fleet was partly resolved by the appointment of Admiral Russell. He, however, desired some one to be associated with him in the command, as he said "there was not one man in England capable of doing it alone." Danby again wished to go to the fleet, but the Queen would not hear of it, and proposed, very properly, that two seamen, Sir R. Haddock and Sir J. Ashby, should be appointed, and the "person of quality" who was to join Russell left to the choice of William upon his return. But Danby and the Queen were again in a puzzle. The Lords of the Admiralty would not consent. It would seem they had some serious cause of objection, for they talked very seriously about the danger of Parliament calling them to account. Mary writes to the King:—

Opposition of the Lords of the Admiralty.

"When they (the Lords of the Admiralty) came, and Lord President told them what the resolution was; Sir Thomas Lee grew as pale as death, and told me that the custom was, that they used to recommend, and they were to answer for the persons, since they were to give them the commission, and did not know but they might be called to account in Parliament. Lord President argued with them; at last Sir Thomas Lee came to say plainly, Haddock was the man they did not like. Lord Pembroke spoke for him, so did Sir John Lowther; Mr. Russell was gone out; Priestman spoke against it, so did Lord Carberry, and Sir Richard Onslow. At last Sir Thomas Lee said, I might give them a commission if I pleased, but they could not. He talked long,

CHAP. VII.

and insisted upon their privilege; I said that I perceived the King then had given away his own power, and could not make an admiral which the Admiralty did not like. He answered, *No, no more he could.* I was ready to say, that then the King should give the commission to such as would not dispute with him, but I did not, though I must confess I was heartily angry; it may be I am in the wrong, but as yet I cannot think so. Lord President, after more discourse, desired them to retire."*

When they were commanded to prepare the commission, they begged to be excused from signing it, and the Queen again sent for Danby, to know what was to be done. "I asked Lord President what answer was to be sent, for he brought me the message. I told him I was much surprised: he was very angry, and talked at a great rate; but I stopped him, and told him I was angry enough, and desired he would not be too much so, for I did not believe it a proper time: he said, the best answer he could give from me was, that they would do well to consider of it. I desired he would add this,—I could not change my mind,—if it were proper to say so much. He said it was rather too little."†

William, as might be expected, highly approved of the Queen's conduct, and sympathised with her anger at the contumacious proceedings of the Lords of the Admiralty; and she writes in terms of great delight to know that she had received his approbation.

"What other people say," she writes, "I ever suspect, but when you tell me I have done well, I could be almost vain upon it. I am sure I have all the reason in the world to praise God, who has sustained me in things so difficult to flesh and blood, and has given me more courage than I could have hoped for. I am sure it is so great a mercy that I can never forget it: we have received many. God send us grace to value them as we ought; but nothing touches people's hearts here enough to make them agree; that would be too much happiness."

At the same time she gives the King an account, not only

* Dalrymple's Appendix. † Ibid.

of her own embarrassing position, but of the conduct of Danby and the remainder of the Council.

The Queen's account of the Council.

"I am very uneasy," she says, "in one thing, which is want of somebody to speak my mind freely to; for it is a great constraint to think and be silent, and there is so much matter, that I am one of Solomon's fools who am ready to burst. I believe Lord President and Lord Nottingham agree very well, though I believe the first pretends to govern all, and I see the other is always ready to yield to him, and seems to me to have a great deal of deference for him; whether they always agreed or not, I cannot tell. Lord Marlborough is much with them, and loses no opportunity of coming on all occasion with the others. As yet, I have not found them differ, at least, so little, that I was surprised to find it so. I mean the whole nine, for it has never come to put anything to the vote; but I attribute that to the great danger I believe all have apprehended, which has made them of a mind."

Confession of the Jacobites.

This danger was even more exaggerated by the confessions of some who had been conspirators for King James, and who now chose to divulge their part in the plot to Queen Mary.*

* "I know not whether the Queen does give Your Majesty any account of my Lord Annandale's confession to her this day, concerning the transactions which have been since December last, between the late King and Sir James Montgomery, my Lord Ross and himself. He says he shall recollect more than he has yet said; but he does acknowledge their having treated with the late King, and received commissions from him; and that one Sir Robert Clark, Captain Williamson, Neale Paine, and one Sympson have been their chief agents and messengers. That Ferguson was privy to it, and others in England whom he does not know. That they did first design to have it carried on in Scotland by a Parliament, but finding that to fail, their business was then to interrupt the progress of all affairs in Parliament. He says Sir James Montgomery is now in town, notwithstanding his having nearly promised the Commissioner in Scotland, that he would come directly to the Queen, insomuch that the committee writ but ten days ago to the Queen, that he had promised Sir James he should be safe from any restraint, and besought the Queen that his promise might be kept with him; but it now appears, that he hath only cheated the Commissioner, thereby to secure himself from being taken, whilst he negotiates with his confederates here, who have made some of themselves appear, by refusing to sign my Lord Ross his commitment.

"I fear Your Majesty will find a great many such friends amongst us, and I believe you have not found the difficulties so great in the conquest of your adversaries abroad, as you will know how to deal with a people at home, who are as fearful of your being too prosperous as any of your enemies can be; and who have laid as many stratagems in your way as they can to prevent it; and if by your prudent conduct Your Majesty can surmount their designs, I shall not doubt of your being as great a King, and we as happy subjects, as I wish both, and will contribute towards, as far as can be in my small power."—Danby's Letter in *Dalrymple's Appendix*, p. 101.

CHAP. VII.

From another letter of the Queen's, it seems that Devonshire was anxious that the Parliament should be dissolved; but on what grounds, it is now impossible to guess. Danby opposed the proposal, for the Parliament was going on smoothly without embarrassing the court.

In this Parliament it was attempted to carry a bill to exclude placemen from seats in the House, but it was rejected by the House of Lords; and a bill to provide for triennial parliaments, which William had the courage—tottering as his position seemed to be, and popular as his pretences had been—to negative from the throne. Danby informs us himself, in the preface to his letters, that he was anxious for the passing of the triennial act. "I have lived to find kings to be true prophets, as well as kings. . . . . .I have seen many abuses made of the triennial act, about which, King William was very much displeased with me for concurring; and used the very same expression which King Charles had done on the popish plot—*that I should live to repent it.* And I am not afraid to acknowledge that I have repented both, since I have seen such very wrong uses made of them."

Rejection of the Triennial Act.

William having been repulsed in the attempt to storm Limerick, and Saarsfield having intercepted his artillery, and blown up his gunpowder, left the war to Ginckel, and made a precipitate return to England. Here Danby received him with a series of complaints of the conduct of his colleagues and the state of public affairs. Dalrymple gives a letter from him to the King, in which, after deploring the state of Ireland, (which, indeed, up to the years 1846-7-8, when the same country once more became a charnel-house, was without parallel in the history of national distress,) recommends several peers as Lord Lieutenant, and even offers to go over himself. "Nay, so absolutely necessary," he says, "I think it is, that something of this kind should be done, that rather than it should not, I do offer myself to Your Majesty for that service, though I am less fit than any of those I have named."

Danby offers to go Lord Lieutenant to Ireland.

* * * * *

"I beseech Your Majesty to take this affair of Ireland thoroughly into your consideration, being what the whole

prosperity of your government depends upon in these kingdoms; and forgive me for telling Your Majesty so bold a truth as it is, that men's affections to the government do apparently decrease among all parties, and nothing but a more vigorous conduct of affairs can retrieve it, the effects of which must appear this summer, either at sea, or in Ireland, or both; and a miscarriage in either will probably be fatal to the chief commanders (how innocent soever they be), and deeply prejudicial to Your Majesty. Although I have writ all this to Your Majesty as my own opinion, I find it to be also the opinion of all thinking men that I converse with, and it is such a daily discourse, (even amongst us who are of the committee for Irish affairs), how impossible it is for things to succeed in Ireland, under the present conduct of them, that I believe it to be the reason why we can so seldom get a number sufficient to make a committee, of which my Lord Sidney and I are always two, and commonly Sir Henry Goodricke the third; but (which is yet worse) if any others do chance to come, they seem to act like *pioneers* for pay rather than by inclination."

Danby had now become, through the influence of years and labour in public affairs, very impracticable. Lord Sidney writes of him to William, in February, 1691—"The Lord President hath been of late very peevish, and continually complaining. I am now his confidant, and he hath almost told me, that he would retire in a very little time."

Quarrels with the Ministry.

Marlborough complained of his interference in the affairs of the army, and Godolphin protested against his attempting to force his son into an office in the Exchequer.*

William, on his return, tired of his quarrelling council, turned his eyes to the Whigs. Somers was made Attorney-General, and Shrewsbury restored to office.

* Dalrymple gives a letter of Godolphin to the King in March, 1691, in which he says, "I take for granted that Your Majesty, unless you were obliged to do it by law, would never choose out the Earl of Danby, of all England, to fill that officer's place, through whose hands all your own revenue, all the public money of the kingdom, and all the accounts of both the one and the other, are to pass; and for these reasons, if the case does happen, I shall think it my duty to refuse to admit him (as far as it depends of me), till the right of the patent is determined; unless Your Majesty should be pleased to signify your pleasure that you would give the place to him, though there were no patent in the case; which, I confess, I think you would no more do, than you would make him a bishop."—*Dalrymple*, III. 181.

CHAP. VII.

In 1694, Danby was raised, as a reward for his services, and a compensation for his decrease of influence, to the title and rank of Duke of Leeds, and his son, now Marquis of Caermarthen, appointed to command the fleet in Talmash's expedition against Brest.*

Is created Duke of Leeds.

We have seen that Danby was dissatisfied with what was called, as yet prematurely, the settlement of affairs at the Revolution. The crown, in his opinion, had been transferred without sufficient safeguards, and such precautions as were taken on behalf of religion, were too comprehensive for the advocate of the Church of England. He had frequently, as it appears from contemporary notices, expressed himself strongly and too openly against the existing government, and he was so much accustomed to dwell upon the feasibility of James making a second attempt upon the crown, that the opinion got abroad, that such an event would neither grieve nor surprise him. That while he was William's President of the Council, he was in correspondence with the exiled Court of St. Germains, there cannot be the slightest reasonable doubt. His own conversation, and that of his nearest connexions, and the papers that the industry of Macpherson afterwards brought to light, leave no room to hold a question of the fact. It is true that, at first, James naturally feared a man who had been active in bringing in William, though it was equally true that Danby in that matter "began to build without setting down to count the cost." Personally, he and James were not on good terms, for that unfortunate Prince had the most unkingly of all vices,—a tendency to listen to tale-bearers, and to protect them from the test of a public inquiry. It is thus easily accounted for, how in 1691, Holmes, one of the King's agents, is directed to instruct the sleepless plotter Ferguson,† "that he, and all those he can influence, go on vigorously with disturbing the present government, and that, if Danby be

His correspondence with the Court of St. Germains.

* "The command of the fleet at Brest was given to the Marquis of Caermarthen, son of the Duke of Leeds."—*Cunningham's History of Great Britain.*

† Paper in Macpherson marked "Instructions to G. H., M.S., October 1691." Original Paper II. 392. On this Macpherson (in my opinion a very able man) writes, "the Marquis of Caermarthen, in all his avowed zeal for the Revolution, listened in secret to proposals for the restoration of James."—*History of England*, II. 5. This is evidently, *as yet*, an inadvertence.

got out, of those proposed to succeed him we like Halifax the best." CHAP. VII.

This jealousy of Danby by the exiled Court did not last long. Suspicion drives men to acts which they had not before contemplated, and the state of public affairs was in itself enough to make the Prime Minister believe that James's Restoration was an event at least to be looked upon as possible.

Those who had been, or fancied they had been, active in the Revolution, had no other mode of accounting for defeat than by suggestions of treachery, and Burnet accordingly charges the ministers in 1693 with betraying the secrets of state to the French. He says that doubts of the good faith of the government "rose even as high as the Secretary of State's office." But he justifies the statement in a way that affords no bad specimen of the confused mind of that most untrustworthy historian. "Our want of intelligence," says the Bishop, "of the motions of the French, while they seemed to know every thing that we either did or designed to do, cast a heavy reproach upon our ministers, who were now broke so to pieces that they acted without union or concert; every one studied to justify himself, and to throw the blame upon others. A good share of this was cast on the Earl of Nottingham; the Marquis of Caermarthen was much suspected."

The right reverend logician does not see that if there really was treachery at the English court, we could not have had similar intelligence of the conduct of the French, without having in our possession similar means of obtaining information. There can, however, be no doubt with those who have studied the career and character of Danby, that he was utterly incapable, whatever his wishes for James's success may have been, of giving information of the military or naval plans of the government, to which he remained officially attached; except under the feeling which he, with many others, doubtless held—that William had deceived those who called him into England, and seized upon the Crown under pretence of liberating the nation.

In a paper of instructions, addressed at this time by James

CHAP. VII.

to the Countess of Shrewsbury, and containing directions for Danby, Godolphin, and Churchill, the following very remarkable passages occur.*

Lady Shrewsbury's Instructions.

"It is His Majesty's pleasure, that you desire the Earl of Danby to endeavour to gain Admiral Killegrew to his service, since His Majesty knows that he has an interest in him, that is, if he be to be employed. That His Majesty expects, upon this conjuncture, that the Earl of Danby will do him what service he can, and most particularly giving him time how to act against the Prince of Orange, and by letting him know, as near as he can, what the said Prince's designs may be, and his opinion how to prevent them, and that if he can answer for his son, he by no means permit him to lay down his employment by sea." He proceeds further to direct that, "Earls Shrewsbury, Danby, Godolphin, Churchill, Russell, &c., do what in prudence they can, to hinder money or retard it, and hinder the going out of the fleet, so soon as it might do otherwise."

It is impossible to believe that James, at such a crisis in his affairs, dictated these instructions without sufficient knowledge that they would not be disregarded by the persons to whom they were sent. In the same collection of papers,* is a resumé of the causes of hope which James had in his expedition, in which again Danby is spoken of as a friend, about whose adherence there is no doubt. The paper is anonymous; but in an investigation, where all the papers we use as evidence must necessarily have been secret, even an anonymous contemporary paper becomes of weight.

James's hopes from Danby.

"The King of England," (*i. e.* King James,) the writer says, "believes he may hope good success from his enterprise, because it is incontestible that he has for him the Earl of Danby, Prime Minister to the Prince of Orange; Lord Godolphin, a Lord of the Treasury and a member of the Privy Council; the Earl of Shrewsbury, who has been his first Secretary of State; Russell, who is of the Cabinet Council, and has been an Admiral; Churchill, who is first

* "Instructions to the Earl of Danby, Lords Godolphin and Churchill, by the Countess of Shrewsbury."—*Macpherson*, II. 457

* Macpherson, I. 458.

Lieutenant-General; the son of the Duke of Beaufort; and the son of the Duke of Bolton. All these have served the Prince of Orange with zeal, as long as they believed he could maintain himself in England, and have despised all sort of correspondence with the King. This shows that they are not of the same sentiment at present, and consequently that His Majesty has more hopes than ever. . . . . His Majesty has the two Admirals who command the fleet, and who are in correspondence with him, and from whom His Majesty may expect every advantage. First, they have been trained by His Majesty, and owe their fortunes to him, and expect more from him than the Prince of Orange will ever give them, and therefore they have greater expectations from His Majesty; moreover, they hate the Prince of Orange on account of the insolence of which they think he has been guilty towards the nation; and lastly, they have reason to fear they will be sacrificed to the Parliament, in order to save the Prince of Orange, who will not fail to blame them for the loss of the Smyrna fleet. Delaval depends entirely upon the King; and Killegrew, the second in command, depends on the Earl of Danby, who is for the King."

The writer then enumerates the Peers and Bishops who are supposed to be favourable to the King, and concludes by remarking that, as Danby is Governor of Hull and Lord-Lieutenant of Yorkshire, the King might have Hull upon his landing. He adds, however, that as to his whole information, there "is not convincing proof of it;" and it was probably drawn in a great measure from conjectures founded on the character and predilections of the persons named. It is right also here to remember, that when Sir John Fenwick shortly afterwards made his narrative of the plots for the restoration of James, and had declared that the respective governors had agreed to deliver up the strengths of Berwick, Plymouth, Sheerness and Landguard, he did not say that Lord Danby had made any such offer as to Hull.

Danby is impeached a third time.

It was now the fate of Danby to be, for the third time, impeached. He was charged with having taken five thousand guineas from the East India Company, to accomplish the renewal of their charter. The House of Commons

CHAP. VII.

had set about an investigation of the existence of corrupt practices about the court. The result of this was, the laying open of a very general scene of corruption extending even to the King himself. In the course of the inquiry, Sir Thomas Cooke, a member of the House of Commons, who had been Governor of the East India Company, was found to have expended considerable sums of money in secret services, and was ordered by the House to divulge the particulars. He declined, and a bill passed the Commons to compel him. This bill Danby opposed in the House of Lords with a violence that gave rise to suspicion. It passed, however, after some delay, and Cooke being forced to speak, said, that amongst others, Danby had had five, and William, ten thousand guineas. Danby had declared upon his "faith and honour," that he had no interest in stopping the progress of the discovery bill; and when we recollect how, in a lesser state of his fortunes, he had been tempted by the much more magnificent offers of the King of France through Montague, such a denial is entitled to considerable weight. A joint Committee of both Houses was appointed to investigate the affair, and before this Committee it was proved that a person called Bates, who was on familiar terms with Danby, agreed with Sir Basil Firebrace, who acted on behalf of the East India Company, that on a payment of five thousand guineas, Danby would not oppose their petition—that Firebrace paid the money to Bates—but that most of it had been given back just before the inquiry. To this was added, the yet more awkward fact, that cash was got for the notes in which the money had been paid, by one Robarts, a Swiss servant of Danby.

Grounds of the impeachment.

Bates took all the blame upon himself, and told the rather incredible story that Danby had, at his request, allowed Robarts, his servant, to get change for the notes, but that Danby had himself declined to receive any money, and supported the Company's petition on public grounds. When Robarts was enquired for, he had absconded, leaving a letter that he would write from Switzerland "a true account of the matter of the five thousand guineas to Mr. Bates," and the House of Commons immediately impeached Danby. The Minister

was speaking in the House of Lords when news was brought him that his impeachment was about to be carried in the other House. He immediately proceeded to the House of Commons and demanded to be heard. The House heard him, but he made a weak defence. The money, he declared, he never had received; it was a matter between Bates and Robarts. The former was in prison, and the latter fled—his flight having taken place not with any privity of his, but having arisen from his own terror, when he found that his master was under impeachment. Danby spoke at the bar of the Commons confusedly, and without his usual power. "His speech," says Dalrymple, doubtless on good authority, "in the confusion and anxiety of his spirits, whether they arose from the consciousness of innocence or of guilt, was not equal to the lustre of his former abilities, and he displeased the pride of his audience by an arrogant expression, on which he laid arrogant emphasis, that if it had not been for him, they had not then been sitting there."*

Danby defends himself before the House of Commons.

He made no attempt to explain the fact, that though his servant Robarts had been only lent to Bates, to get cash for the notes, he retained the money for more than twelve months before he handed it over to the latter.

Whatever doubts exist as to the transaction, can now never be cleared up, for William, who, we have seen, had his own reasons for avoiding inquiry,† put an end to the proceedings by proroguing and then dissolving Parliament.

William now conceived a great antipathy to, or rather a distrust of Danby. The family of the Duchess of Leeds made no secret of their regret that they had taken any part in the Revolution, and the personal arrogance of the Duke, probably reminded William too often of his services. The Duke of Shrewsbury writes to Lord Somers, that William had declared the necessity of displacing a number of his servants in all the departments; for a number of them "had so behaved themselves this session, that if no punishment were made, no government could be expected for the future; and

William dissolves the Parliament.

* Dalrymple's Memoirs, II. 75.

† "Ten thousand pounds were traced to the King; five thousand to the Duke of Leeds (Danby); and other sums to other men in power."—*Macpherson's History of Great Britain*, II. 81.

CHAP. VII.

that this must not be extended partially to one kind of men, but some should be displaced of different denominations." His Lordship continues: "In general, I agreed with this, but submitted that a distinction was reasonably to be made, between persons who had done wrong only once through ignorance, and those who in the whole course of business had continually opposed. This argument met with so cold a reception, that I think it is not hard to guess what was meant by this speech; though I think, if it were intended against Sir Walter Young and Mr. Clarke, we are obliged (I am sure I think myself so) to stand by them. This sort of discourse naturally brought on that of my Lord President, &c., and I was surprised to find how easy the King was *in parting with him and his consequences.* He said, *the whole family of the Berties were against him,* and declared himself not satisfied even with the Vice-Chamberlain, but Lord Sunderland excused him. I perceive all that, as to the Vice-Chamberlain, is so prepared that it may be done as shall be thought best."*

William suspects Danby, and he retires.

Shortly afterwards Danby retired from the Presidency of the Council, in which he was succeeded by the Earl of Pembroke, and never re-appeared in official life. When the Parliament passed the bill to resume the grants which William had made so suddenly, of the forfeited estates in Ireland, Danby had gained further unpopularity by advising the King to dissolve.† His politics indeed unfitted him, for advising the possessor of a revolutionary crown.

In the reign of Anne, the Toryism of Danby returned in great strength. He supported the Queen in 1705, in opposing the bringing over from Hanover the heir to the throne, and in the same year he delivered a speech on the danger of the Church. On the silly impeachment of Doctor Sacheverel he spoke and voted in favour of the Doctor; and in the course of the proceedings, delivered himself of a very remarkable declaration. The first article of the impeachment ran, "He the said Henry Sacheverel, in his said sermon preached at St. Paul's, doth suggest and maintain that the

* Hardwicke Papers, II. 429.

† Note by the Earl of Dartmouth, upon Burnet's History of his Own Time.

necessary means used to bring about the said happy revolution, were odious and unjustifiable. That His late Majesty, in his declaration, disclaimed the least imputation of resistance, and that to impute resistance to the said revolution, is to cast black and odious calumny upon His late Majesty and the said revolution."

Danby maintained that this article the Commons had not made out, saying, "He had a great share in the late revolution, but he never thought that things would have gone so far as to settle the crown on the Prince of Orange, whom he had often heard say, that he had no such thoughts himself. That they ought to distinguish between resistance and revolution, for vacancy or abdication was the thing they went upon, and therefore resistance was to be forgot; for had it not succeeded, it had certainly been rebellion, since he knew of no other but hereditary right."

His speech on the impeachment of Sacheverell.

It would seem from some records, that Danby proceeded to speak ironically of the revolution. Cunningham, who wrote his history in Latin, a circumstance calculated to allow the irony to be lost in the translation, says, that he exclaimed, "What is this I hear? King William an usurper! and the revolution a rebellion! Indeed, if that enterprize had not succeeded to our wishes, both these assertions had been true,* and the judges would have pronounced all of us, who then stood up in defence of our country, our religion and our laws, rebels: but since the Prince of Orange's cause has been avowed both by God and man; since he has been acknowledged in our public records as the deliverer, guardian, and preserver of our nation; and his enterprise to be most glorious, and the establishment of our present government; I wonder how there can be any debate among your Lordships about this matter. I am now, in my old age, to defend that cause in Parliament, in which, on mature deliberation, I engaged, and took an active part; and if need should require, I promise, in support of the same cause, to meet you in the field. My Lords, suffer not such matters as these to be

* Cunningham's History of Great Britain, II. 298. This has been wittily rendered in the epigram of Moore,—

"Treason is ne'er successful. What's the reason?
Because; when *'tis* successful, *'tis not* treason!"

CHAP. VII.

made subjects of debate, nor any question to be started in Parliament about what was done at the time of the revolution."

Many others, Cunningham (who was a violent Whig) adds, spoke this way, and yet voted to acquit Sacheverel; but Lord Danby protested with other Peers, that they did not believe Sacheverel guilty of the matter charged, namely, reflection on the Revolution, and on the memory of King William.

Attempts to sound Queen Anne.

About this time, or a little after, Danby probably, like many others, endeavoured to ascertain Anne's views as to the succession; but he could not succeed in getting from her any specific declaration, and fell into the popular feeling in favour of the peaceful course of adopting the cause of the Elector.* In November 1710, he wrote to that Prince in very strong terms, and does not seem for the short period of the remainder of his life to have altered his course of conduct on the subject. The letter, which betrays a little of the boasting of old age, ran thus:—"Sir, I hope your Electoral Highness will pardon my acknowledging, in this manner, the extraordinary favours which I understand Your Highness has been pleased to show to my grandsons, Danby and his brother; and I am sorry my years will not allow me to go and do so myself. Whilst I was able, I was an actor, to the best of my power, to encompass those alterations which were necessary for the security of our religion and laws; and as those alterations have justly brought the crown of these kingdoms into your illustrious family, so, I doubt not, but they will be preserved by it whenever they shall come to be under its protection; and although I may not live to pay my personal services, I hope I shall leave a family, both as well principled in loyalty, and as dutiful to your person and family, as they ought to be, and with that esteem which is due to Your Highness from all the world."†

Adheres to the Elector.

* "It is generally thought that the Princess of Denmark (Queen Anne) is favourably disposed towards the King her brother; and that she would choose rather to have him for her successor than the Prince of Hanover. But she is timid, and does not know to whom she can give her confidence. The Duke of Leeds told me, that he had endeavoured to sound her as much as he could upon this subject, and he is in her confidence and has free access to her; but though she never chose to explain herself upon this point, she says nothing against him."—*Memorial of the Sieur Lamb, April* 1711, *in Macpherson's Original Papers.* II. 210.

† Macpherson's Original Papers, II. 198.

In the beginning of the following year he devoted himself to the publishing of the "Danby Letters" and the "Danby Memoirs," to which in this biography we have been necessarily very much indebted. They were both intended as exculpatory publications; but, strangely enough, he does not touch the more recent and serious charge as to the East India Company, the subject of the third impeachment.

Publishes his "Letters" and "Memoirs."

Danby had now,—after a public service of unusual duration and unexampled vicissitudes,—retired for ever to private life. The Duchess had died in 1703; and he in his eighty-first year, being taken ill on his journey to Yorkshire, expired at Easton, the seat of Lord Pomfret, in Northamptonshire, on the 26th of July, 1712, being succeeded in the dukedom of Leeds by his son, Peregrine, Marquis of Caermarthen.

His death.

Few statesmen in English history have been placed in positions and in times of so great difficulty as the Earl of Danby, and none have come through such trying ordeals with so little true ground of reproach. The minister successively of two revolutionary thrones, which yet refused to recognise the power of the people who had raised them, he was held responsible by popular anger for the faults and transgressions of both, and yet was fully trusted by neither.* Firmly attached to the Church of England, he fell upon times when toleration and intolerance were equally called Popery by the populace, and the maintaining of the Church declared an advance to Romanism in common with the relieving of the dissenters. Detesting throughout the ignoble French alliance, he discovered the sordid connexion of his master with the court of Versailles too late to prevent its consequences or to avoid its defilement; when, to have retired from office, would have been to have given himself up unarmed to his enemies.

No minister ever encountered an opposition in Parliament or in court that displayed so little principle, or adopted more iniquitous expedients. His long imprisonment all historians agree to have been one of the grossest oppressions that ever

* As witness the "secret treaty," under Charles II., and the letter of Queen Mary to her husband, under William III.

CHAP. VII.

was committed on a subject by the conspiracy of a vindictive Parliament and profligate judges; while the charges on which it had been awarded, were such as could only have been entertained at a time when Oates and Bedloe were considered trustworthy, and Shaftesbury and Montagu men of honour.

On the other hand, Danby had the great faults of arrogance* and ambition. The consciousness of superiority both mental and moral, begets in some minds an impatience of mediocrity and hypocrisy, when they come in contact with either, and this was strikingly evident in the conduct of Danby. The man who can smile at dulness or deceit, and beware of its possessor, has an inestimable advantage over him whose temperament leads him to refute and punish. The latter disposition, as in the case of Danby, is most frequently allied with an inability of concealing counsel. "He is too open," said Halifax to Reresby, a fault which none could truly charge on the intriguing "trimmer."

Danby does not seem to have been possessed of many attainments by study. His speeches are more the powerful product of strong common sense, delivered in nervous language, than the result of much reading or of any wit. He was eminently a man of business, but intolerant of any inferior sharing the power that quality gave him. His antipathies do not seem to have been lasting, but he acted upon them with promptness and activity, and, as might have been expected of such a character, his friends were as much attached to him as his enemies were constant against him. In a time when the patronage of letters was greatly affected, he does not seem to have paid much attention to the professors of literature. Dryden dedicated to him his play of *All for Love*; on the mention of which by Collins, Horace Walpole

* Evelyn states that Dolben, Bishop of Rochester, told him "of his stateliness and difficulty of access, and several other miscarriages' which indeed made him hated." Dolben also told Evelyn, "how earnestly the late Earl of Danby, Lord Treasurer, sought his friendship, and what plain and sincere advice he gave him, from time to time, about his miscarriages and partialities; particularly his ousting Sir John Duncomb from being Chancellor of the Exchequer, and Sir Stephen Fox, above all, from Paymaster of the Army. The Treasurer's excuse and reason was, that Fox's credit was so over-great with the bankers and monied men, that he could procure none but by his means. 'For that reason,' replied the Bishop, 'I would have made him my friend, Sir Stephen being a person both of honour and of credit.'"

remarks to the effect, that "it is natural for a peerage writer to quote from a dedicator; for only the former can exceed the latter's flattery." Danby was too decent to become a patron of the literature of that day; and it is surely no reproach that he was not a Mæcenas, when—

> "Dryden, in immortal strain,
> Had raised the 'Table-Round' again,
> But that a ribald King and Court
> Bade him toil on to make them sport;"

and when noble subjects were countermanded, that great genius might be applied to the praise of licentiousness and infidelity.

Danby is said to have died "very rich," but there is no proof in the history of his public life (the affair of the East India Company being very doubtful, and, at least, but an inconsiderable sum) that he resorted to dishonest means of accumulating wealth.

ARTHUR CAPEL, EARL OF ESSEX.

IN OFFICE, 1679.

CHAPTER I.

FROM HIS BIRTH TO THE FORMATION OF THE ESSEX MINISTRY.

The Earl of Essex's Ancestry. His father, Lord Capel, executed. Lord Essex present. Doctor Morley's account of the scene. Neglect of Essex's education. Manners of the Aristocracy of the time. Anecdote as to Lord Capel's heart. Essex raised to the Peerage. Is sent Ambassador to Denmark. Behaves with great spirit. Is appointed Lord Lieutenant of Ireland. Condition of the country. Character of the Government. Misery of the Population. Anxiety of Essex for improvement. Applies to Sir William Temple. His Essay "On the Advancement of Trade." Curious causes of Irish Misery. Essex refuses to pass Lord Ranelagh's accounts. Burnet's account of Essex. Essex takes an active part against Danby. Joins the party of the Duke of Monmouth. Temple's Narrative of the formation of the Ministry. Junction of Essex and Shaftesbury. Temper of the Parliament. New Council proposed. Bait of money held out to Charles. Temple's Narrative of the Crisis. The king averse to Halifax, but supports Shaftesbury. List of the New Ministry.

CHAP. I.

The Earl of Essex's Ancestry.

ARTHUR CAPEL, Earl of Essex, the nominal head of the new council, or rather constitution, which succeeded to power on the fall of Danby, was, like that minister, sprung from a family which owed its eminence to successful trade in the City of London. William Capel, a prosperous draper, was knighted in 1485, became Sheriff in 1489, and Lord Mayor of London in 1503.* His origin, however, was not obscure. He was the son of John Capel, an "esquire" of Stoke-Neyland, in the county of Suffolk, whose family had been lords of that manor for several generations. This Sir William, though heavily mulcted by the extortions of Dudley and Empson, in the reign of Henry VII., died possessed of an enormous fortune, leaving an heir, Sir Giles Capel, of Raines Hall, in Essex; who was the father of Arthur Lord Capel, executed in 1649; and grandfather of Arthur, Earl of Essex, who held for a short period the office of Prime Minister.

* Stow—Survey of London.—*Collins's Peerage.*

CHAP. I.

Greatly as the history of Charles's civil wars abound with instances of the highest chivalry, they present no finer character than that of Lord Capel. His "Contemplations," which have survived, are the produce of a powerful mind and a character of high integrity, uniting the severe morality and courage of the young men of the Elizabethan age, while the story of his life and death, displays that they were not empty professions, but really the rule of his existence. Even his enemies bowed to the force of his character. Cromwell probably never was so eloquent in the praise of any other man, and gave to the Parliament Lord Capel's very integrity as a reason that while he lived he would maintain the cause of the King.

His father, Lord Capel, executed.

Arthur, his eldest son, of whose early life and even of the exact date of whose birth we have no record, was present with his father at the time of his execution. His mother, who was the daughter of a cavalier gentleman of Hertfordshire, had been as enthusiastic as her husband in the royal cause, and had made that desperate effort to save him which drew the public testimony to his virtues from Cromwell himself. She petitioned the Parliament, but in vain, and was with her children instant to the last, in the vain hope of preventing the sacrifice of a man whom the usurpation thought too dangerous to live. Of the character of Lord Capel, something may be learned from Dr. Morley's account of his death; when he addressed himself to his son, the subject of this memoir. The advice he offered, seems to have been taken; for Essex throughout his life was passive in his political resentments.

Lord Essex present.

"After this," says Morley, "sending for my Lord of Norwich and Sir John Owen, I read the whole office of the Church for Good Friday; and then, after a short homily I used for the present occasion, we received the Sacrament, in which action he behaved himself with great humility, zeal, and devotion. And being demanded, after we had done, how he found himself, he replied, very much better, stronger, and cheerfuller for that heavenly repast; and that he doubted not to walk like a Christian through the vale of death, in the strength of it. But he was to have an agony before his pas-

Doctor Morley's account of the scene.

CHAP. I.

sion; and that was the parting with his wife, eldest son, son-in-law, two of his uncles, and Sir T. C.; especially the parting with his most dear lady, which, indeed, was the saddest spectacle that ever I beheld; in which occasion he could not choose but confess a little of human frailty: yet even then he did not forget both to comfort and counsel her and the rest of his friends, particularly in blessing the young lord; he commanded him never to avenge his death, though it should be in his power: the like he said to his lady. He told his son, he would leave him a legacy out of David's Psalms, and that was this,—'Lord, lead me in a plain path.' 'For, boy,' said he, 'I would have you a plain, honest man, and hate dissimulation.'"*

Neglect of Essex's education.

Of the early education of the second Lord Capel, Earl of Essex, we are without any information. It is stated, indeed, that it was "neglected, owing to the civil wars," and that he was compelled to learn Latin after he had arrived at manhood. It is universally allowed, however, that he made excellent use of his after-years of study, and was much devoted to learned inquiry, and very fond of books. In the neglect of his early education, he seems to have been much in the same condition at the Restoration as most of the young nobles who followed the Court of Charles on the continent; when, as Count Hamilton tells us,—"Plenty and prosperity, which are thought to lead only to corrupt manners, found nothing to spoil in an indigent and wandering court. Necessity, on the contrary, which produces a thousand advantages

Manners of the Aristocracy of the time.

* The death of Arthur, Lord Capel, in a letter to a friend. In the "Contemplations, Divine and Moral, of Arthur, Lord Capel," in the British Museum, there is a curious entry in MS., apparently in the style of the seventeenth century, in the following words, without any name or initial attached:—

Anecdote as to Lord Capel's heart.

"One thing will not be unnecessarily inserted here, that this loyal Lord, at the time of his death, ordered that his heart should be reserved and kept (presaging the Restoration of King Charles the Second, and presuming that then due obsequies would be paid to the memory of the Royal Martyr), to be buried and laid at his Royal Master's feet: which accordingly was put into a silver box, enclosed in another, with two locks, and for the present, reposited in the hands of the Lord Beauchamp, who had the keeping of one key, as Sir Thomas Corbet had of the other. The Lord Beauchamp, finding his departure near, delivered the box to Sir Thomas, who upon his death-bed delivered it to the Earl of Essex, being then young, but after the Restoration, there being (for some unknown reason) no funeral rites performed to the body of the deceased King, this box was laid by in the evidence room at Hadham, the Earl's seat in Hertfordshire, where it lay till after his decease, and being found there by the late Earl's Steward, his Lordship not knowing what it contained, but enquiring of his mother, and understanding what it was, caused it to be reposited in the family vault at Hadham."

whether we will or no, served them for education; and nothing was to be seen among them but an emulation in glory, politeness, and virtue."*

Essex raised to the Peerage.

Immediately upon the Restoration, Lord Capel, as he had hitherto been called, was advanced in the peerage to the title of Viscount Maldon and Earl of Essex, and designed by Charles for public employment. The nature of this employment,—diplomacy, would argue that he had made some progress in learning, for the difficulty at the time was, to find men of sufficient rank, not advanced in years, suitable to undertake the office of ambassador. He does not seem to have taken any considerable part in the proceedings of Parliament before his departure on his embassy to Denmark, for we do not find his name once in the parliamentary history, though the meagre nature of that record makes it of small authority.

Is sent Ambassador to Denmark.

His embassy to Denmark was chiefly remarkable for his refusal to strike his flag on passing the Sound—maintaining the right of England and supremacy on the sea. The Governor of the fort of Grooningen, as the ship of Essex was passing, commanded him to lower his flag or he would fire, on which Essex replied, "that the flag of England was never lowered to any foreign flag, but that foreigners were bound to strike to it;" on which the Governor fired on the vessel and tore his rigging. On arriving at Copenhagen, Essex immediately demanded reparation, and pointed out to the Danish Court special treaties by which he was exempted from lowering his flag as he passed the Sound. The reparation was ultimately granted—the unfortunate Governor being compelled to expiate his over-zeal, by "begging pardon on his knees in the street—the Earl standing in his balcony, and looking on him." In this affair, Burnet states that the Earl got great credit, and that he was informed that he might aspire to anything on his return. In such a court as

Behaves with great spirit.

* Grammont's Memoirs. What the Count means by "virtue" here, except he uses it for "courage," it is hard to see. Shadwell shortly after puts into the mouth of a gentleman the explanation—"What an unfashionable fellow art thou, that in this age art given to understand Latin!" "'Tis true," is the reply, "I am a bold fellow to pretend to it, when it's accounted pedantry for a gentleman to spell, and where the race of gentleman is more degenerated than that of horses.—If they go on as they begin, the gentlemen of the next age will scarce have learning enough to claim the benefit of the clergy for manslaughter."

CHAP. I.

that of Charles, indeed it was a rare instance of asserting a national dignity, that had become merely traditional, and probably the last example in that reign, of the spirit of Cromwell being exhibited to a foreign power. Nothing worthy of record occurred in the course of Essex's residence in Denmark, and shortly after his return he was appointed to the office of Lord-Lieutenant of Ireland.

Is appointed Lord Lieutenant of Ireland.

A description of the condition of that country at the time of the commencement of Essex's Vice-royalty in 1672, if it were truly given, would resemble more what poets have imagined of Hades, than what could be told of any kingdom in Christendom. The House of Stuart had begun their reign there by confiscations of private estates, intended to satisfy the importunity of hungry petitioners, and simultaneously attempted to force on a similar confiscation of Church property, under the name of a reformation of religion. In the troubles of the reign of Charles I., the aboriginal inhabitants, seeing some hope of liberation in the quarrel between the King and Parliament, had made an insurrection, attended on both sides with horrors unusual even in civil war. The end of this was the history of all unsuccessful rebellions—a story of blood and vengeance seldom equalled; for the Irish fell not into the hands of one incensed monarch, but into those of the Long Parliament. The persons employed in that country by the Parliament, made the usual use of the office of Governors of Ireland. "The Irish Vice-royalty," said Henry VIII. to his illegitimate son, Sir John Perrot, "is an *honour* that I confer; it is for the Viceroy himself to make it a *profit*."

Condition of the country.

The parliamentary rulers acted in the spirit of this apophthegm. They were succeeded by Oliver Cromwell, who extinguished the remnants of the Irish insurrection of 1641, with a prodigality of blood, which puts out of countenance the massacres of the Spaniards in Peru. Upon the Restoration, a new class of rulers were placed over the Irish, to whom the maxim of Henry VIII. was quite as familiar. They had no want of causes of confiscation. There were indeed, in the words of Elizabeth, "estates for such as lacked them;" for the old cavalier who was guilty of still possessing

Character of the Government.

property worth seizing was easily called a Papist; and the northern proprietor grantee of James I. was charged with the equal crime of being a Presbyterian. The Cromwellites alone, who had recently been imported (men who had quitted the tailors' boards and butchers' blocks of London, to found noble families; and the names of whose descendants still make a great part of the surnames of the Irish peerage sound like a muster roll of the lumber troop,)—knew how to secure themselves with Clarendon and Ormonde.* The treatment of the Irish cavaliers, so much worse than even that of the English, required an explanation; and that is found, in the fifty-two estates, to which he nor his family had never before pretended any right, that were granted to Ormonde by the act of settlement and the court of claims.

In the meantime, confiscations, massacres, outlawries and famine, had extinguished all the resources from which a national existence, not to speak of national prosperity, could be created.† The population few, and in the utmost misery, fled from the face of any official of the crown, and such remnants of trade and commerce as existed were confined to the seaward towns, and carried on with the few English settlers and soldiers. Such a country Essex went over to govern. He was a man of principle and compassion, and therefore shocked with the state of affairs which he found in Ireland. The revenue which pressed upon the little trade that remained in the country, was collected only for the purpose of being applied to the private purposes of Charles, or to payments which the ministers in England did not wish to divulge to the House of Commons. These abuses, his hostility to

Misery of the Population.

* See *ante*, p. 84. This is not the place to discuss the character of James, Duke of Ormonde, but I may be allowed to say that he has been fortunate in having secured the services of the most industrious of biographers—Carte—who has, in his praise of him, shown the falsehood of the proverb, that "a great book is a great evil;" for his book so abounds in materials for historians, whose "index learning turns no student pale," that they have unanimously fallen into the convenient course of passing over this most interesting period of Irish history—(a valuable study in the morbid anatomy of nations)—by praising the administration of the Duke of Ormonde. The names of the estates obtained by Ormonde, at the Restoration, are given by Carte (vol. II., page 132), who adds, however, that the Duke re-granted one of them to an adherent at five pounds per annum.

† See, as one amongst a thousand examples, the boastful narrative of the cruelties committed by Hamilton, of Manor Hamilton, upon the people of Cavan and Monaghan, preserved amongst the tracts in the Library of the Royal Dublin Society, and written by himself

CHAP. I.

which was finally the cause of Essex's removal from the Viceroyalty, he wished seriously to abate; and he had a commendable ambition to advance the condition of the unfortunate country committed to his charge. With this view, he applied to Sir William Temple, then in Ireland, to give him in writing some views on the subject, which he had expressed in conversation. That fruitful theorist accordingly drew out a paper scheme for Irish amelioration, containing suggestions which appear exceedingly childish, not only at the present time, but which must have been very far behind the age of Sir William Petty and Sir Josiah Child.

Anxiety of Essex for improvement.

Applies to Sir William Temple.

His Essay "On the Advancement of Trade."

The document is entitled "An Essay upon the Advancement of Trade in Ireland, written to the Earl of Essex, Lord-Lieutenant of that kingdom, and dated on the 22nd of July, 1673." He commences it by saying, that Essex requested him to write it "in a manner and with expression too obliging to be refused, and out of a design so public and generous, as ought not to be discouraged." The picture of the state of Ireland given by Temple, is such as we have just drawn—with the addition that the remains of its trade in cattle, which survived the English act of Parliament mentioned in the life of Clarendon, had been destroyed by the Dutch war; the act having prevented exportation to England, and the war all commerce with the continent. He sets out by attributing the want of trade in Ireland to causes which have long ceased to operate.

Curious causes of Irish Misery.

"The want of trade in Ireland," he writes, "proceeds from the want of people; and this is not grown from any ill qualities of the climate, as air, but chiefly from the frequent revolutions of so many wars and rebellions, so great slaughters and calamities of mankind, as have at several intervals of time succeeded the first conquest of this kingdom in Henry II.'s time until the year 1653. Two very great plagues followed the two great wars, those of Queen Elizabeth's reign, and the last; which helped to drain the current stream of generation in the country."

The viceroyalty of Essex in Ireland was marked by an anxiety, at least, for public advantage, and a disposition to just government, which, in that high office, even yet, is not

frequent, and then, was almost without example. He found the government in such a state, that he took a journey to England to represent the facts, and for his zeal in the reform of great abuses he was finally removed.* The immediate cause of Essex's removal was his refusal to pass the accounts of Lord Ranelagh, the Irish Treasurer, who had, by a practice long continued, paid pensions and demands of the Court in England without sufficient authority—and passed them as legitimate charges on the Irish establishment.†

Essex refuses to pass Lord Ranelagh's Accounts.

* Sir Richard Cox, whose strange compilation, *Hibernia Anglicana*, is perhaps the most remarkable work that was ever dignified with the name of history, has this notice of Essex's viceroyalty.—"On the 5th day of August, 1672, Arthur, Earl of Essex, was sworn Lord Lieutenant; and in September, his Excellency and the Council made rules and orders, for regulating of corporations, pursuant to a clause in the act of explanation to that purpose. And during his government, the kingdom was very quiet in public appearance; for whatever designs were formed in favour of Popery, were private, and in England, and were so dexterously countermined by this Lord Lieutenant, that there was but small effect of them perceived in Ireland; but his Excellency went to England in 1675, leaving the Lord Chancellor and the Lord Granard Lords Justices, who continued so until the return of the Earl of Essex, who resumed the government at the end of the year."—*Sir Richard Cox's Hibernia Anglicana*, part II. p. 14.

† Burnet gives the following account of Essex's appointment, conduct in the viceroyalty, and dismissal from it, with a sketch of his career.—"At this time, the Earl of Essex was brought over from being Lord Lieutenant of Ireland, whose friendship to me was afterwards such that I think myself obliged to stop and to give some account of him. He was the Lord Capel's son. His education was neglected by reason of the war. But when he was at man's age, he made himself master of the Latin tongue and made a great progress in mathematics, and in all other parts of learning. He knew our law and constitution well, and was a very thoughtful man. He began soon to appear against the Court. The King imputed it to his resentments: so he resolved to make use of him. He sent him ambassador to Denmark, where his behaviour in the affair of the flag gained him much reputation, though he said to me there was nothing in it. That King had ordered the Governor of Croonenburgh to make all ships that passed strike to him. So when Lord Essex was sailing by, he sent to him, either to strike to him, or to sail by in the night, or to keep out of his reach; otherwise, he must shoot, first with powder, but next with ball. Lord Essex sent him a resolute answer, that the Kings of England made others strike to them, but their ships struck to none; he would not steal through in the dark, nor keep out of his reach, and if he shot at him, he would defend himself. The Governor did shoot at him, but on design shot over him. This was thought great bravery in him; yet he reckoned, it was impossible the Governor would endeavour to sink a ship that brought over an ambassador. While he was there, the King died, which made a great change in the Court. For that King had made one of his servants Stadtholder, which was, indeed, a strange thing, he himself being upon the place. He was but a mean person, and was advanced by the favour the Queen bore him. Lord Essex's first business was to justify his behaviour in refusing to strike. Now at his going from England, Sir John Cotton had desired him to take some volumes of his library that related to Danish affairs; which he took, without apprehending that he should have occasion to use them; but this accident made him search into them, and he found very good materials to justify his conduct; since by former treaties it had been expressly stipulated, that the English ships of war should not strike in the Danish seas. This raised his character so high at Court, that it was writ over to him, that he might expect everything he should pretend to at his return. The change of government that he saw in Denmark, and the bringing it about with so little difficulty, made a great impression on him; since one of the freest nations in the world, was on a sudden brought under a

Burnet's account of Essex.

CHAP. I.

On Essex's return to England, he took an active part against Danby, whose impeachment was then going on. His removal from Ireland seems to have been made chiefly on the ground that he was an inconvenient man, in such an office, as Charles's necessity generally required such servants as were not particular about the passing of the charges he was accustomed to make on the revenue. Accordingly, after his return, he attached himself again to the Court, and we find him taking part in some of those delicate negociations which were required by the complicated intrigues in which the palace abounded.*

Essex takes an active part against Danby.

most arbitrary form of government. Many of the ancient nobility seemed uneasy under the change. And even the Chancellor himself, though raised by favour from very mean beginning, could not forbear to lament even to him the change of their constitution.

"Upon his return from Denmark, he was made Lord Lieutenant of Ireland. He could never understand how he came to be raised to that post, for he had not pretended to it, and he was a violent enemy to Popery, not so much from any fixed principle in religion, in which he was too loose, as because he looked on it as an invasion made on the freedom of human nature. In his government of Ireland, he exceeded all that had gone before him, and is still considered as a pattern to all that come after him. He studied to understand exactly well the constitution and interest of the nation. He read over all their council books; and made large abstracts out of them to guide him, so as to advance every thing that had been at any time set on foot for the good of the kingdom. He made several volumes of tables of the State, and persons that were in every county and town, and got true characters of all that were capable to serve the public. And he preferred men always upon merit, without any application from themselves; and watched over all about him, that there should be no bribes going among his servants. The revenue of Ireland was then in the Earl of Ranelagh's management; who was one of the ablest men that island had bred, capable of all affairs, even in the midst of a loose run of pleasure, and much riot. He had the art of pleasing masters of very different tempers and interests, so much, that he continued above thirty years in great posts. He had undertaken to furnish the King with money for the building of Windsor out of the revenue of Ireland; and it was believed the Duchess of Portsmouth had a great yearly pension out of his office. By this means, payments in Ireland were not regularly made; so the Earl of Essex complained of this. The King would not own how much he had from Lord Ranelagh, but pressed Lord Essex to pass his accounts. He answered he could not pass them as accounts, but if the King would forgive Lord Ranelagh, he would pass a discharge, but not an all account. The King was not pleased with this, nor with his exactness in that government, it reproached his own too much. So he took a resolution about this time, to put the Duke of Ormonde in it again. Upon this occasion, the Earl of Essex told me, that he knew the King did often take money into his privy purse, to defraud his Exchequer, for he reckoned that what was carried thither, was not so much his own as his privy purse was. And Coventry told Lord Essex, that there was once a plantation-cause at the council board, and he was troubled to see the King espouse the worst side; and upon that he went to him and told him secretly, that it was a vile cause which he was supporting; the King answered him, he had got good money for doing it."—*Burnet's History of his own Times*, vol. II. p. 99.

* "September, 1679. Jack How, Sir Jervaise How's brother, a young, amorous spark of the Court, has for some months declared a very great veneration for the Duchess of Richmond; but her Grace, neither regarding Will-o'-the-Wisp, nor his feigned fires, has at length converted the squire's soft passion into revenge. Whereupon, he has of late reported that he has had several testimonies of her kindness, as well by letters as otherwise. As soon as the Duchess heard this malicious report, she forthwith made her application to the King, who was pleased to refer the examination of the matter to the

CHAP. I.

The fall of Danby left Charles in a position of the greatest embarrassment. Those who had overthrown the Ministers, could not be admitted to the confidence of the King, for whose faults, in fact, Danby had been persecuted. The revenue was in hopeless confusion, and the Popish plot was rising to almost the fabulous heights to which it at length attained.

"I never," says Sir William Temple, "saw any man more sensible of the miserable condition of his affairs than I found His Majesty upon many discourses with him, which my foreign employments and correspondences made way for. But nothing he said to me moved me more than when upon the said prospect of them all, he told me, he had none left with whom he could so much as speak of them in confidence, since my Lord Treasurer's being gone. And this gave, I suppose, His Majesty the occasion of entering into more confidence with me, than I could deserve or expect."*

Joins the party of the Duke of Monmouth.

Charles seems to have begun to suspect the projects of Monmouth and his friends, amongst the principal of whom was the Earl of Essex. The general fear of Popery, the general suspicion of the Duke of York's designs—the imprudence of that prince, the great popularity of Monmouth, added to Essex's own liberality of political opinion—made him lean to those who were about to assume the name of "Whigs." Nor was he free from the use of the under-hand means known in the political warfare of the time.

Temple's Narrative of the formation of the Ministry.

"I found," Temple continues, "that the council of my Lord Treasurer's removal had been carried on by the Duke of Monmouth, in conjunction with the Duchess of Portsmouth and Lord Essex, who was then in the greatest confidence with the Duke of Monmouth; and by him and Lord Sunderland nearly brought into the Treasury. I found my Lord Sunderland at least in confidence with this knot, and that all were resolved to bring my Lord Shaftesbury again

Duke of Monmouth, the Earl of Essex, my Lord Sunderland, and the Earl of Halifax. Upon enquiry, their lordships found that, among the many evidences of her Grace's favour, that Mr. How had boasted of, he could only produce one letter, which the King, as soon as he saw, said was neither her hand nor style; whereupon His Majesty was pleased to give order that How forthwith refrain from coming to Court."—*Diary of the Hon. Henry Sidney*, vol. I. p. 10.

* Temple's Memoirs, p. 333.

CHAP. I.

into Court, who was in confidence with the Duke of Monmouth and Lord Essex, and had a near relation to Lord Sunderland. I observed the great affection His Majesty had to the Duke of Monmouth, and saw plainly the use His Grace intended to make of it, in case he could introduce a Ministry at his own devotion, or in his interests; and this being a matter that might concern the very succession of the crown, and not only an injury to the Duke, but through him to his children and the Prince of Orange; I resolved first, if it were possible, to break the growth of that Ministry, though I saw no men whom I could design to fix in it, with any satisfaction or advantage to the King or his service."

Junction of Essex and Shaftesbury.

Essex and Shaftesbury—the one from principle, the other from ambition—had clearly enough already arranged to make Monmouth the means of excluding the Duke of York from the succession; and Sir William Temple, who was the friend of the House of Orange, and of its rights, could not expect much open dealing from the two Earls. He was, therefore, anxious to curtail the power of Monmouth, whom Charles greatly favoured, and with this design he undertook the office of suggesting a new administration. There never, perhaps, was a more unpromising time for the adoption of a new project;* and Sir William's plan of a ministry, so far from being calculated to strengthen the government, had all the elements of weakness.

Temper of the Parliament.

"I observed" (says Temple) "the Parliament to grow every day more violent, upon the support they received from the rumours raised by the Plot, and the incentives given

* Of the state of the country at this "Ministerial Crisis," Sir John Reresby says:—"Meanwhile the kingdom in general had a very melancholy aspect; the King was poor; the officers of the crown and of the household were clamorous for their salaries and dues, which had not for a long time been paid, and no wonder, when Sir Robert Howard, one of the chief officers of the Exchequer, declared in the House of Commons, that there was not money sufficient for bread for the King's family; there were no stores any where, either for the sea service or the land; and the garrisons were all out of repair, the platforms decayed, and the cannon dismounted; the army divided for the Duke of York, and against him; the officers of state, the same; the Parliament for the most part in a ferment, and glad of these publick misunderstandings, as favouring their desire of clipping the wings of the prerogative, reducing the height of monarchy, and furthering their private designs; the King also, and his brother at variance, and so kept by those who promised to make his Majesty quite easy, if he would but comply with them so far as to disinherit the Duke; so that he was quite in suspense as to what resolution he should or should not take."—*Reresby's Memoirs*, 226.

them by the ambitions of persons playing that game. I saw a probability of matters growing to such a pass, that His Majesty might be forced to part with them; and yet I saw not authority enough left in the Crown either to do that without the venture of great mischief, or to live without another Parliament, until the present humours might cool. And both these considerations meeting together, cast me upon the thoughts of the King's establishing a new council of such a constitution as might either gain credit enough with the present Parliament, by taking in so many persons of those who had most among them, and thereby give ease and quiet both to the King and his people. Or if, on the other side, the rumours should grow outrageous and beyond opposing, the King might yet, at the head of such a council, with more authority and less hazard of ill consequences, either prorogue or dissolve them, as any necessities of his own or extravagancies of theirs should require. CHAP. I.

"In these ends it seemed necessary to take into the council some lords and commoners, who were of most appearing credit and sway in both Houses, without being thought either principled or interested against the government, and mix them with others of His Majesty's more general choice, for making up one half of the council; while the other half being fifteen, were ever to be present, chief officers of his crown and household; who being all of His Majesty's known trust, as well as choice, would be sure to keep the council steady to the true interest of His Majesty and the crown." New Council proposed.

Such was Temple's proposed scheme as to the present weight and power of rank to be attached to what he calls his new "constitution." But he seems to have been well aware that mere considerations of public utility were not likely to weigh with Charles, and therefore proposed the more enticing bait of the personal wealth of the council.

"But," he proceeds, "one chief regard necessary to this constitution, was that of the personal riches of this new Council; which in revenues of land or offices was found to amount to about three hundred thousand pounds a year; whereas those of a House of Commons are seldom found to have exceeded four hundred thousand pounds. Authority is Bait of money held out to Charles.

CHAP. I.

observed much to follow land; and at the worst, such a Council might out of their own stock, and upon a pinch, furnish the King so far, as to relieve some great necessity of the crown."

The probability of "the pinch" arising, was by no means remote, and the plan of providing for it, here evolved, was one of the chief reasons why the King looked with so much favour upon the projected government, from the miscellaneous nature of which he could hope little but confusion.

Temple's narrative of the crisis.

"This whole matter was consulted and deduced upon paper, only between the King and me, and lasted in debate and digestion about a month; but when the forms and persons were agreed, and His Majesty seemed much satisfied with the thing, and resolved to go on with it, I humbly desired him not to take a resolution of that importance, without first communicating it to three or four persons of those His Majesty could most rely upon in point of judgment, secresy, and affection to his service. The King resolved I should go and communicate the whole scheme, with all the particulars of it, to my Lord Chancellor, Lord Sunderland, and Lord Essex; but one after another, and with charge from him of the last secrecy; and should bring him word of their opinions upon it; and if they concurred with his, should appoint them to attend His Majesty next morning; the Chancellor only entering into his lodgings by the common way, but the other two and I by the private one below. When I acquainted them with it, they all received it with equal amazement and pleasure. My Lord Chancellor said it looked like a thing from heaven fallen into His Majesty's breast; Lord Essex, that it would leave the Parliament and nation in the same dispositions to the King which he found at his coming in; and Lord Sunderland approved it as much as any.

The King averse to Halifax.

"Next day we attended his Majesty, and had a very long audience, upon which no difficulty arose, but two that were wholly personal. I had proposed Lord Halifax as one of the Lords, whom the King had indeed kicked in at our first consultations, more than any of the rest; but upon several representations of his family, his abilities, his estate and credit, as well as talent to ridicule and unravel whatever he was spited

rat, I thought His Majesty had been contented with it: but at this meeting he raised new difficulties upon it, and appeared a great while invincible in them, though we all joined in defence of it. And at last, I told the King we would fall upon our knees to gain a point that we all thought necessary for his service; and then His Majesty consented.

But supports Shaftesbury.

"The other was concerning Lord Shaftesbury, who had never been mentioned in our first debates; and the King either had not thought of him before upon this affair, or had not mentioned him to me, as knowing, upon all occasions of private discourse with His Majesty, what opinion I had of that Lord. But after my Lord Halifax had passed, the King said there was another who, if he were left out, might do as much mischief as any, and named Lord Shaftesbury; to which the other three agreed; and concluded further, that he would never be content with a counsellor's place among them; and, therefore, it was proposed to add one to the number, by making a President, which should be he. I disputed this point from the first mention to the last conclusion of it, foretelling he would destroy all the good that we expected from the whole Constitution; and said all that I could with so much earnestness, that when, by His Majesty's agreeing with the other three, I saw it would be concluded, I walked away to the other end of the room, not knowing well whether I should have gone out or not, if the door had been open; but turning again, I desired His Majesty to remember, that I had no part in Lord Shaftesbury's coming into his Council or his affairs, and that I was still absolutely against it. The King laughed, and turned my anger into a jest; and so went on with the rest of the Constitution intended, till the whole was resolved and executed publicly in Easter, 1679."

The King persisted in carrying his point, and accordingly the list of the New Administration appeared complete as follows:*—

List of the New Ministry.

First Lord Commissioner of the Treasury, Arthur, Earl of Essex; His Highness Prince Rupert; William, Lord Archbishop of Canterbury; Heneage, Lord Finch, Lord Chancellor of England; Antony, Earl of Shaftesbury, Lord Pre-

* See Appendix F.

CHAP. I.

sident of the Council; Arthur, Earl of Anglesea, Lord Privy Seal; Christopher, Duke of Albemarle; James, Duke of Monmouth, Master of the Horse; Henry, Duke of Newcastle; John, Duke of Lauderdale, Secretary of State for Scotland; James, Duke of Ormonde, Lord Steward of the Household; Charles, Lord Marquis of Winchester; Henry, Lord Marquis of Worcester; Henry, Earl of Arlington, Lord Chamberlain of the Household; James, Earl of Salisbury, John, Earl of Bridgewater; Robert, Earl of Sunderland, one of His Majesty's principal Secretaries of State; John, Earl of Bath, Groom of the Stole; Thomas, Lord Viscount Falconberg; George, Lord Viscount Halifax; Henry, Lord Bishop of London; John, Lord Roberts; Denzil, Lord Hollis; William, Lord Russel; William, Lord Cavendish; Henry Coventry, Esq., one of His Majesty's principal Secretaries of State; Sir Francis North, Knight, Lord Chief Justice of the Common Pleas; Sir Henry Capel, Knight of the Bath, First Commissioner of the Admiralty; Sir John Erney, Knight, Chancellor of the Exchequer; Sir Thomas Chichley, Knight, Master of the Ordnance; Sir William Temple, Baronet; Edward Seymour, Esq.; Henry Powle, Esq.*

* See Appendix E.

CHAPTER II.

Joyful reception of the New Council. Monmouth's pretensions. Dissensions in the Council, Position of Halifax. Admission of Shaftesbury. The Popish plots. Causes of the Excitement. The "Expedients;" discussed in the Council. Essex proposes to prorogue Parliament. His attempts to remove Lauderdale. Butcheries of Graham of Claverhouse. Insurrection of the Presbyterians. Monmouth sent to Scotland. Shaftesbury's "Body Guard" disallowed. Triumph of Shaftesbury. Resolution to dissolve the Parliament. Essex and Halifax alarmed at Shaftesbury's threats. Temple offered the office of Secretary of State. State of the Council. Opposition of the Council to the Dissolution. Temple's speech. Public pay to Monmouth. Essex proposes to meet it. Henry Sidney's letters. Essex anxious for the arrival. Letter of Sunderland. The King's illness. Arrival of the Duke of York. Essex boasts of the Court favour. Halifax threatens to retire. Sir W. Temple's interview with Essex; and with Halifax; and the Duke of York. Temple's narrative to the Duke. Disgrace of Monmouth. Fears of Halifax. Deceit of Temple. Essex avoids Temple; who complains to Sunderland.

CHAP. II.

Sir William Temple's account of the reception of the new administration, shows that the public expectation far outran the actual result. Everywhere, it appears, the announcement of the change in the Council was received with enthusiasm. In the city of London, and even in Ireland, bonfires were lighted to celebrate the event, and on the Bourse at Amsterdam the funds rose on the arrival of the news. The joy in Ireland was probably referable to the fact, that their favourite ex-viceroy, Essex, was at the head of the Treasury; and the satisfaction in Holland, because their equally favourite diplomatist, Sir William Temple, was known to be the contriver of the affair. The very publication of the change, however, showed how unfit for secresy so large a body as the new Council must necessarily be; and Temple complains that the Duke of Monmouth already assumed that the tide was turning in his favour, and pretended that he was the author of the new mode of conducting the government.*

Joyful reception of the New Council.

* "The night before the thing was to be done," he says, "His Majesty thought fit to tell it to the Duke of Monmouth, having kept it secret till then, further than to the few

CHAP. II.

Dissentions in the Council.

The Council, almost immediately after its construction, broke into cabals. Essex, who was at no time disposed to give way to the arbitrary measures of the King or the Duke of York, leaned to the side of Monmouth and Shaftesbury, as the only hope of controlling the Court; while Sir William Temple joined with Lord Sunderland in an attempt to make the Council what it would seem the diplomatist solely intended it should be—the creature of the King's necessities and caprice. At first, Essex, by Lord Sunderland's suggestion, was in the habit of meeting that peer and Sir William Temple, and deciding on the measures that should be submitted to the full board.*

There was no cordiality, however, amongst them. Essex perceived that between the two principles of religious liberty and Romish domination, there only intervened the precarious period of the life of Charles II. On one side, the popular feeling was with Monmouth and Shaftesbury; and if the one of these personages was as weak as the other was dishonest—that only proved the greater strength of the general sentiment which had made Shaftesbury a tribune of the people, and Monmouth a candidate for the throne. In the service of the political altar, the theologic rule also applies—that the unworthiness of the minister does not vitiate the truth of the doctrine.

already named. But as soon as the Duke of Monmouth knew, though only in general, that the Council should be changed, he told it to so many, that it was common talk next morning; which we interpreted either lightness or vanity, to have it thought that he had part in an affair likely to pass so well. And, indeed, when the thing was done in the forms that are known, it was received with general applause in the country, with bonfires in the city, and the same in Ireland. In Holland, the actions of the East India Company rose upon it immediately, and very much; and the States designed one of their best and most considerable men, Monsieur Van Lenen, to come over Minister into England upon this account. France alone was unsatisfied with it, and Monsieur Barrillon said it was making *des Etats*, and not *des Conseils;* but the reasons were easy to see, and so not much considered."—*Temple's Memoirs*, i. 334.

Monmouth's pretensions.

* "Upon the new constitution of the Council, my Lord Sunderland had, by Mr. Sydney, desired that we two might joyn together in perfect confidence, and distinct from any others, in the course of the King's affairs, whether I would enter into the other Secretary's office or not; which I said I was very willing to embrace, though I knew no need of it, considering how much the general affairs were decided upon by the Council or the particular committees, and how much I thought it was fit that they should continue so, without running into any private channels. This confidence had not run on above a fortnight when my Lord Sunderland asked me, if I were willing my Lord Essex should be received into it; which I consented to, though with intimation to Lord Sunderland, of the opinion I had for some time of late of Lord Essex, whom I thought I knew better than he did. So we met for a while each day, by turns, at each of our houses, and consulted upon the chief affairs that were then on the anvil, and how they might be best prepared for the Parliament or the Council."—*Ibid*, i. 336.

CHAP. II.

Halifax, whose abilities and restless disposition had compelled the projectors of the Council to recognise his claims to office, was trusted by none of the parties into which the new body was divided. It was necessary, however, that those who were opposed to Shaftesbury should strengthen themselves with all kinds of aid. Sir William Temple thought, therefore, that Halifax ought to be adopted into the circle which he fancied he had formed around himself. The Earl of Essex does not seem to have taken much part in the formation of the clique that existed. He probably looked upon Shaftesbury as being likely to triumph against the Court party in the end, and therefore he received the proposal of private consultation with Halifax with "his usual dryness."* Sunderland opposed the junction with Halifax, and not without reason; for on the admission of the latter, it turned out that he agreed in the opinion of Essex, that Shaftesbury was to be conciliated, and not opposed—that, in fact, the designs of the Duke of York and the Romanising party were at once so patent and so offensive to the nation, that for the safety of the Crown, some notice must be taken of them; and those who opposed them were likely to stand highest in the popular estimation.

Position of Halifax.

The fate of Temple's famous "new constitution" was fast approaching. Essex and Halifax, shortly after confidence was established with the latter, informed Sunderland that it was necessary to bring in Monmouth and Shaftesbury to the private consultation. This arrangement Temple at once repudiated, and thus ended the first and last attempt of the celebrated diplomatist to govern as supreme Minister the internal affairs of England.†

Admission of Shaftesbury.

* "But matters growing very untoward, by the practice of Lord Shaftesbury, with the Duke of Monmouth's cover at least, and upon the ill humour of the House of Commons about the business of religion; and my Lord Halifax appearing unsatisfied, by observing where the King's confidence was; I proposed to my Lords Sunderland and Essex, to receive him into all our consultations; which I thought would both enter him into credit with the King, and give us more ease in the course. Lord Essex received this overture with his usual dryness. Lord Sunderland opposed it a good deal, and told me I should not find Lord Halifax the person I took him for, but one that could draw with nobody, and still climbing up to the top himself. However, I continued resolute in pressing it, and so at length the thing was concluded, and we fell all four together into the usual meetings and consultations."— *Temple's Memoirs*, i. 336.

† "At length my Lord Sunderland told me, that Lord Essex and Lord Halifax were of opinion, that it was necessary to take in the Duke of Monmouth and Lord Shaftesbury

CHAP. II.

The new ministers, thus early dissentient from each other, found the kingdom in a state approaching insanity on the subject of the Popish plot. The success with which Oates had palmed off upon public credulity the most frantic perjuries, and the honours which were showered upon him by the Parliament, excited a number of inferior perjurers to attempt a similar career. No Roman Catholic, however obscure or amiable, held his life on any other tenure than the chance that his name should not occur to Oates or Bedloe, when Shaftesbury should press them (as he daily did) for more "discoveries," to keep up the prevailing insanity of the populace, and slake the general thirst for blood. From Archbishop Plunket to the meanest acolyte, and from Katharine of Braganza to a goldsmith's maid-servant, personages of every rank and grade served for characters in Oates's bloody fiction.

The Popish plot.

Several elements went to the formation of the state of the popular mind. The remains of the Commonwealth party—their preachers and their partizans—saw in the Plot a mode of harassing the King, and made good use of the comparatively recent memories of St. Bartholomew, Piedmont, and the Gunpowder Plot; while Shaftesbury and Monmouth had the yet more powerful motive of setting aside the Duke of York as a Papist, and placing the son of Lucy Waters on the throne.

Causes of the excitement.

The business before the New Administration was chiefly the arduous task of meeting a Parliament, and placing the King and the people on such terms of mutual agreement, as that Charles might have some weight in the eyes of foreign

into the first digestion of affairs, considering the influence they had upon the House; and for this end, to agree with them in the banishment of the Duke, either for a certain time or during the King's life, and desired to know whether I would fall into it with them, and join in bringing it about with the King. I told my Lord Sunderland positively I would not:—For, first, I would never have anything to do with the Duke of Monmouth and Lord Shaftesbury; and next, I would never enter into matters of difference between the King and his brother, having upon several occasions told them both, that I would ever do all I could towards the union of the whole Royal Family; but never would have anything to do in the divisions of it; and no man should ever reproach me with breaking my word, and much less the King or the Duke.

"This was peremptory, and so it ended; and thereupon the three Lords fell into meetings and consultations with the Duke of Monmouth and Lord Shaftesbury, which I knew nothing of, and began to come less to council, and to meet no more with my usual company, but upon occasion, and without the first confidence; but we still continued our kindness whenever we met, without my enquiring, or the communicating what passed in their new consultations."—*Temple's Memoirs.*

powers. This was only to be done by satisfying the now insane demands of the fanatical party which followed Shaftesbury and Monmouth. To attempt this, Charles had drawn up certain proposals to the Parliament, known as "expedients." These proposed that a distinction should be made between a Popish and a Protestant heir, and that the latter should be submitted to the greatest restrictions. The House, however, rejected them at once; voted "That the Duke of York being a Papist, and the hopes of his coming such to the Crown, had given the greatest countenance to the present conspiracies and designs against the King and the Protestant religion;" demanded that all considerable Papists should be banished twenty miles from London, that all fortresses and ships should be put in trusty hands, and that all papers relating to the Duke of York, then in the hands of their secret committee, should be made public.

The "expedients."

The new Council was so little unanimous, that Shaftesbury, its president, was known to be the instigator of these demands; and Russell, one of its members, was directed to carry them up from the Commons to the Lords. When the "expedients" had been debated at the Council, that body was unanimous in adopting them, with the two very different exceptions of Shaftesbury and Sir William Temple. The former opposed them, on the broad ground of exclusion; the latter, from a well-grounded belief, that the House of Commons, after the manner of that in the reign of Charles I., would accept of no compromise that did not originate with themselves.

Discussed in the Council.

Essex, up to this time, had been acting in strict confidence with Halifax and Sunderland, but having taken the imprudent determination before referred to, to admit Shaftesbury and Monmouth, he found in a fortnight that the daring enterprise of the former made him look to the sole power, and that, although he must have been well aware that he had little favour either with the Council or the King, nevertheless he hoped to force the position, by his undoubted power with the opposition in the House of Commons.

To remove from Shaftesbury this powerful weapon against them, Essex proposed to Halifax and Sunderland that the

Essex proposes to prorogue Parliament.

CHAP. II.

Parliament should be at once prorogued. While this proposal was under consideration, Shaftesbury, who had no suspicion of what was intended, was busy in carrying on the project of exclusion, and preparing addresses to advance the alarm of the plot. Sir William Temple, who still contrived to consult with Essex, had been out of town, at his house at Sheen, but was sent for by Sunderland, when Essex informed him that "the King had found out that there were remonstrances ready prepared in the House of Commons, to inflame the city and nation upon the points of the plot and popery, and that their three lordships having consulted with His Majesty, he had resolved the Parliament should be prorogued that morning." The prorogation accordingly took place, and Shaftesbury, quite taken by surprise, declared aloud in the House of Lords, that "he would have the heads of those that advised that prorogation."

He attempts to remove Lauderdale.

Essex had made one attempt to remove Lauderdale from the administration of affairs in Scotland, where persecutions and extortions were being carried on, in a manner that hourly endangered insurrection. His efforts, as well as those of Temple, Halifax, and Sunderland, were fruitless in attempting this object. Lauderdale was useful to Charles in a pecuniary manner, and he replied to all the representations of his ministers, that "they did not know Scotland as well as he." Accordingly, the policy of Lauderdale bore suddenly its natural fruits. A gallant, and for a time a successful, resistance was made by the Presbyterians against the persecutions of Lauderdale and Sharpe.

This persecution had been carried on with a fury not less foolish than it was sanguinary. Sharpe and Lauderdale, not contented with exercising against the Covenanters the whole power of a despotic code of law, resorted to military violence. An army of Highlanders were sent to live at free quarters amongst the people of West Scotland, the gentry were disarmed, and John Graham, of Claverhouse, with a picked regiment of desperadoes, scoured the country, massacreing persons suspected of attending the Presbyterian worship, and frequently butchering unarmed peasants with his own hands. The district around the residence of Archbishop

Sharpe, in Fifeshire, had suffered as severely as the districts of the west; and the accidental rencontre with the Primate of a party who had set out to search for one of his agents, one Carmichael, resulted in his being murdered. The party of men who did the murder were led by John Balfour, of Burley, a man by nature moody and fanatical, and whose sufferings by persecution, added to a fanciful disposition to interpret supposed interferences of Providence, led him to think the accident of a little boy exclaiming, "Behold the Bishop!" a special warrant to take his life. They dragged him out of his coach, and in the presence of his daughter cut him down, and broke his skull in pieces.

Butcheries of Graham of Claverhouse

In a little time these fanatics, having made their escape, joined the Covenanters in the West, where the persecution was hottest. Here the people rose in open insurrection, and defeated Graham of Claverhouse with considerable loss. The news of the murder of the Archbishop, and the ignominious defeat of Graham, reached London simultaneously; and Essex and the Council had suddenly to devise the means of suppressing the results of that policy of Lauderdale against which they had so frequently remonstrated.

Insurrection of the Presbyterians.

The news of the Scotch rebellion found the Council quarrelling amongst themselves. "It was pleasant," says Temple, "to observe the counter-paces that were made." Charles instantly proposed to send reinforcements to the army then in Scotland, and to send Monmouth as Commander-in-chief. This was obviously intended to prevent Monmouth's presence at Court, and to get a little respite from present intrigues. Shaftesbury was placed in a position of difficulty. He wished to give Monmouth the great position of Commander-in-chief in Scotland, and he feared to allow him to quit the Court; while he desired, at the same time, that the Presbyterians might get sufficient head, still further to complicate public affairs. He therefore attempted a diversion. He proposed that when the Duke of Monmouth took so great a body of troops away from London as would be necessary to reinforce the Scottish army, a corps of 200 gentlemen should be raised as a body-guard for the King, to protect his person, and that the command of those should be committed to Mon-

Monmouth sent to Scotland.

CHAP. II.

mouth. Monmouth was also to select the members of this corps, which was to consist chiefly of officers out of employment, "and whose merits," says Sir W. Temple, "were best known to the Duke of Monmouth."

The defeat of this project of Monmouth's body-guard was accomplished by Essex, who, being at the head of the Treasury, declared the expense impossible, at that time, to be met. Temple relates that, "on the other side, Lord Essex, though he agreed with the King's opinion, to have the Scots insurrection suppressed; yet he had a mind it should be done by the Scots, to prevent the Duke of Monmouth's growing greater than he yet was by that command; especially if it should be followed with success. And though he would not oppose His Majesty in his resolution of sending the Duke of Monmouth upon this expedition; yet he did very openly the other design, which the King himself seemed much bent upon, as well as the Duke of Monmouth, to raise the troop of two hundred gentlemen. The other two lords and I fell in with him in this last; though Lord Essex was most instrumental in breaking it, by raising invincible difficulties in the treasury, where he was at the head: so as, upon composition, money was found for the Duke of Monmouth's marching into Scotland, and with great ease to him in his personal pretensions; and the new troop was let fall upon want of money."*

Shaftesbury's "Body Guard" disallowed.

But the Earl of Essex also resorted to direct remonstrance in the following letter to the King:—

"London, July 21st, 1679.

"Since my coming to town I have heard of many discourses here, concerning the new company of guards which your Majesty is raising; those who do not wish well to your affairs do rejoice much at it, concluding it will give great cause of jealousy to your people, and prevent the good effects which your Majesty hopes for, this next session of Parliament; and that, upon this, occasion may be taken to question some guards now in being. 'Tis commonly said this is but a foundation of a standing army, whilst a body of officers shall be thus kept together to head men which may suddenly be raised; that this is an illusion of the act of disbanding,

* Temple's Memoirs from the Peace to 1679, ii. 508.

which intended to separate the officers and soldiers then in pay, when so soon after many of these officers are collected into a body again. There is nothing I do more apprehend than a mistrust men may have, that any design is on foot of governing by an army, and therefore the least action which may be construed to intend this cannot, at this conjuncture, but be very fatal to your Majesty. Your Majesty has gained much upon your people by disbanding the troops raised for Scotland, and I should grieve extremely to see you lose again that credit by forming this new constitution of guards. The world cannot but observe the great frugality your Majesty has begun in your household, and the retrenchments intended on pensions and otherwise. Now, if monies shall be saved all other ways, and force increased, what hopes can there be of a supply to relieve your Majesty's pressing occasions, when in so narrow a time as this, the charge of troops being increased, men will apprehend the money which shall be given will be applied to the like uses? I cannot but acquaint your Majesty of the effect it hath on the Treasury, for we do clearly find men much more backward to lend money than they were before. There are divers who have endeavoured to distrust the credit there, but 'tis certain now they do it with much more face, whilst they have this pretence to back all they say. I speak nothing but from a heart zealous for your service, and therefore I hope your Majesty will be pleased graciously to accept what I have said, and make such reflexions thereon as may be most for your own good, which is ever the aim of your Majesty's most dutiful and most obedient subject and servant,*

"ESSEX."

Battle of Bothwell Bridge.

The history of Monmouth's advance into Scotland—of the fatal fight at the Bridge of Bothwell—of the lenity of the good-hearted Duke, and the demoniacal cruelty of the beaten

* From the following entry in Sidney's Diary the question of new troops seems much to have distracted Essex:—

"Soon after I spoke to my Lord of Essex, who I find is mightily out of heart upon the King's intentions to raise new troops of musqueteers, which he says he will never consent to, nor set his hand to the establishment of. Another thing that troubles him is, that the King hath writ a letter into Scotland, upon the desire of my Lord Lauderdale, to let them know that he is well satisfied with all that hath been done there, and he intends to issue a proclamation to the same effect."—*Sidney's Diary*, i. 35.

CHAP. II.

murderer, Graham of Claverhouse, is destined to live wherever the religion of Scotland shall extend. Essex's object in keeping down Monmouth's position was not accomplished. The Duke of Monmouth returned from Scotland loaded with honours: in but a few days he had extinguished a formidable rebellion, and his conduct to the vanquished showed that it was, to him, an irksome task to bear arms against Protestants fighting for freedom of conscience to worship God. He had fought and conquered the Covenanters, but Protestants still believed, both in England and abroad, that at a better time, and on a greater arena, he would be ready to raise the banner of their religion. The holiest causes sometimes are advanced by the worst agents, and at this time the cause of civil and religious liberty was greatly dependent upon Shaftesbury—perhaps the most dishonest man that ever adopted Dr. Johnson's "last resource of a scoundrel." This man, whose advice at length led Monmouth to his "bloody tomb," now seemed to drift in the gale of his dupe's prosperity. He triumphed, boasted, and threatened: Halifax he could crush; Essex he could bring to the block. Neither man was a safe subject for boastful menaces.

Triumph of Shaftesbury.

He had threatened that he could have the head of those who advised the proroguing of the last Parliament, and Essex and Halifax felt, that in the popularity of Monmouth, and the general drift of the public opinion, he had great weapons at his command.

Resolution to dissolve Parliament.

Essex, Halifax, Sunderland, and Sir William Temple, came to the conclusion, that the time was come to dissolve the present, and call a new Parliament. Sir William's narrative of the action of his own Council at this dissolution is worthy of being given here. The sale of an office of secretary of state was done then as a matter of course:—

"The term of the prorogation of Parliament drew near expiring, and all agreed that a session could not conveniently begin before October; and a day was appointed for considering that matter at Council. The Duke of Monmouth was greater than ever: Lord Shaftesbury reckoned upon being so too, upon the next meeting of Parliament, and at the cost of those whom he took to be the authors of the last proroga-

tion. Lord Essex and Halifax looked upon themselves as most in his danger, and aimed at by Lord Shaftesbury's threats, and out of all measures with the Duke of Monmouth. This induced a consultation among us, whether, considering the distempers of the present Parliament, the best course were not to dissolve it, and have another called in October; wherein the three Lords and I agreed; and the King was perfectly of the same mind, considering with what distempers that Parliament both began and continued. So it was resolved that the King should propose, at next Council, whether it were best to prorogue that Parliament, or dissolve it, and at the same time call another; and that, in the mean time, the Lord Chancellor, and the other chief officers depending upon the King, should be acquainted with his mind, either by His Majesty or the three Lords. For, since the King's going to Windsor, I continued at Sheen, and only went to Hampton Court on Council-days, though the three Lords came often to me, and pressed me as often to come as they did to Court, and Lord Halifax protested he would burn my house, and that, if I would not enter upon the Secretary's office, his uncle Coventry would look out for some other chapman; for as soon as he had found one, he was resolved to part with it. I told him I was very willing, and would speak to the King, that his market should not be spoiled upon any occasion. Whether his Lordship believed me or no, I did so, and desired His Majesty to think of some other for that place; for my ill health increasing with my age, made me find myself unable to go through with the toils of that office, if executed in the forms and with the attendance it required. The King told me, he could not consent to it; that if he should, he knew not a man in England fit for it besides me, so that I had no reason to take it kindly of him. I desired His Majesty to give me leave and I would propose three persons, of which I would undertake every one should be fitter than I. The King would not so much as hear me name them; but told me, it was a point he had been so long fixed in, that he could not change his resolution.

Essex and Halifax alarmed at Shaftesbury's threats.

Temple offered the office of Secretary of State.

"In our last meeting we had calculated how many at Council could, in any probability, oppose the dissolving of the present

CHAP. II.

Parliament, and calling another; and we had concluded, there could not be above six in the whole Council that could be against it at the most; which we thought would be a great support to the King's resolution, against all the exclamations we expected from Lord Shaftesbury and his friends; and at least, that it would be safe against the consequences which were usually deduced from the forms of calling Parliaments always by the advice of the Council, that the dissolving of them ought to be so too, at least when it was not at their own desire.

State of the Council.

"The Council-day came; and when I came thither, and found the King and three Lords, with some others already there, I asked Lord Sunderland and Halifax, whether all was prepared, and Lord Chancellor and other chief officers had been spoke to? They said, No, it had been forgotten or neglected; but the King would do it to each of them apart as they came that morning, and before the Council began. I thought it hard, a point of that importance should be neglected so long, but was fain to content myself with what they told me would be done. The outward room, where the King was, filled apace; every one made his leg to His Majesty, and filled the circle about him as they came in. I was talking apart, in a corner of the room, till it grew late, and Lord Chancellor told the King that it was so, and I saw the King turn from the Chancellor, and go into the Council-chamber. All followed; the Council sat; the King proposed his thoughts, whether it were best for his affairs to prorogue this Parliament till October, or to dissolve it, and call another at that time; and desired their Lordships' opinions upon it.

"I observed a general surprise at the Board, which made me begin to doubt the King had spoke of it to few or none but the Chancellor before he came in. But it soon appeared he had not so much as done that neither; for, after a long pause, he was the first that rose up, and spoke long and violently against the dissolution, and was followed by Lord Shaftesbury in the amplest manner, and most tragical terms. Lord Anglesey followed them, by urging all the fatal consequences that could be. The same style was pursued by Lord Chamberlain (Arlington), and agreed to by the Marquis of

Opposition of the Council to the dissolution.

Worcester, and pursued from the top to the very bottom of the table by every man there, and at a very full Council, except the three Lords, who spoke for the dissolution, but neither with half the length or force of argument they intended to have done, leaving that part, as I supposed, to me, who was, I confess, well enough instructed in the case to have said more upon that argument; but I was spited from the first that I heard of my Lord Chancellor's speech, and still more and more as every man spoke, at the consequences happened by such a negligence of my friends, who had been perpetually about the King, and might so easily have effected what was agreed on, and thought so necessary. I was the last but one to speak, and saw argument would signify nothing, after such inequality was declared in number; and so contented myself to say in short, That I thought it was every man's opinion, that a happy agreement between His Majesty and Parliament was of necessity to his affairs both at home and abroad: that all the difference, in a continuance of this, or assembling of another Parliament, would depend only upon the likelihood of agreeing better and easier with one than with the other: that His Majesty had spoken so much of his despairing about any agreement with his present Parliament, and the hopes he had of doing it with another, that, for my part, I thought that ought to decide it, because I thought His Majesty could better judge of that point than anybody else. So His Majesty ordered the Chancellor to draw up a proclamation for dissolving that Parliament, and calling another to assemble in October following: and thereupon the Council broke up, with the greatest rage in the world of the Lord Shaftesbury, Lord Russel, and two or three more, and the general dissatisfaction of the whole Board."*

Temple's speech.

After this decision, the further meetings of the Council were adjourned till after the King should return to London, and the general election was the chief business of Essex, Sunderland, and Halifax,—"of the two first," says Temple, "from their offices, and of the third from his humour, which he owned always must have business to employ it, or would else be uneasy."

* Temple's Memoirs, vol. ii. p. 513.

CHAP. II.

At this time, the hopes of Essex and Halifax by the dissolution, were in a fair way of being blighted. The intoxication of attachment to Monmouth is one of those states of the public temperament not often occurring in the political history of the English people. His legitimacy was asserted, when his very paternity was exceedingly doubtful—a paternity which the want of courage after the affair of Sedgemoor made still more a matter of question, for no two things were ever more widely asunder than cowardice and the blood of the Stuarts.

Public fury for Monmouth.

This popularity threatened to influence the coming as much as the late Parliament; and it became Essex and his friends to devise means to meet it. For this purpose they had two resources; one in the Duke of York, and the other in the Prince of Orange.

Essex proposes to meet it.

The Prince of Orange was a more remote resource than the Duke of York, as against the present pressure; but Essex was assiduous in his attentions to him, and in his desire to appear in his eyes both as a patriot and his friend.

Henry Sidney, afterwards Lord Romney, at this period writes from the Hague to Essex as follows:—

Henry Sidney's letter.

"The Hague, August 5, 1715.

"My Lord,

"Your Lordship made me feel so melancholy at my coming away, that I could not recover till I came hither; but finding the Prince in so good humour, and that he hath reason to be so, hath cheered up my spirits extremely. He saith his affairs here go well enough, and if ours did so in England he should be perfectly satisfied. He had little hopes of this when I came to him, but I have now given him a good deal. I never saw a man more pleased than he was when I told him of the kindness of some of his friends in England; and I believe, when he hath a good opportunity, he will let them know how sensible he is of it. He is in a maze, how your Lordship hath done to pay off the fleet; and till I assured him to the contrary, he imagined that some great sum was paid to you from abroad. In that and the dissolution of parliament, which were the two things which

troubled him most, I think I gave him pretty good satisfaction. I have writ some other particulars, which, I am sure, will be communicated to you; and, therefore, I will now only say that there is no man in the world hath more esteem and value for you than I have, and will take all occasions of letting you see how much I am

CHAP. II.

"Your humble and obedient servant,

"H. SIDNEY."*

Essex anxious for the arrival.

It appears also from the following entry that Essex was anxious, a little before this time for William's arrival and entrance into the new Council:

"17th July.—I took my leave of Lord Shaftesbury. He told me he hoped I would make a good alliance between us and the Dutch, that we might be able to make some resistance to France. As for the Prince of Orange, he said, if he would continue a good Protestant, we would do him right. He commended Lord Sunderland, but spoke slightly of Essex and Halifax. Afterwards I went to Lord Halifax, and telling him what had passed, he said he differed from Lord Sunderland, for that he was confident there never would be any good done with that man. I met the French ambassador in the street, who made me great profession of kindness. In the afternoon I sent to my Lord Essex, who gave me a letter for the Prince, and withal told the advantage it would be to have him come over, and if he were brought into the House and the Council it would be much better; but if it was not to be done without taking the oath of allegiance, and whether he could take that or no, he could not tell, because of the Act 30th. He and Lord Halifax are of that reputation, that nobody can blame them for any one action in their whole lives, and they two, with Lord Sunderland, have more land than the King."†

Letter of Sunderland.

Sunderland, the other individual threatened by Shaftesbury, was also careful to impress on Sidney the necessity of the arrival of the Prince of Orange.

"2d July.—I received my instructions, and asked the

* Diary and Correspondence of Henry Sidney, vol. i. p. 52.
† Diary of Henry Sidney, vol. i. p. 28.

CHAP. II.

King if he would not have me go suddenly. He told me 'Yes,' and that he would write to the Prince by all means in the afternoon. I had discourse with my Lord Sunderland, and he said one chief thing that was to be desired of the Prince was secrecy; that he must resolve quickly whether he will come or not, that measures may be taken accordingly; that it will be necessary for him to keep a table, to bring none with him but his own family, and invite the Parliament men, which will delight them; and I must let him know how he, Lord Sunderland, had brought in Essex and Halifax." *

The King's illness.

But as the autumn of 1679 approached, the health of Charles II. seemed suddenly to give way; and if the projects of the Prince of Orange were even formed so early as that year, they were without doubt incomplete, and the "triumvirate," as Essex, Halifax, and Sunderland were called, privately sent an express to the Duke of York, then at Brussels, and to the great consternation of the Exclusionist party; his Royal Highness arrived suddenly at Windsor.

Arrival of the Duke of York.

So reserved had Essex been in communicating this intelligence, that it came on Sir William Temple by surprise.

"The summer," says Sir William, "was declining, but the Duke of Monmouth at his greatest height, when the King fell sick at Windsor; and with three such fits of fever as gave great apprehension, and that a general amazement; people looking upon anything at this time that should happen ill to the King as an end of the world. I went to Windsor, after the second fit; and, having seen his Majesty, observed more strength and fewer ill symptoms than had been reported; nor could I think him in danger, without accidents, which was to be the care of his physicians, who were some of them wholly of my mind. I found and left the three lords very diligent at court, in attending both his person and affairs, which I was very glad of; and so came home without entering further into any discourses with them than of his Majesty's sickness, which was then the general discourse and care.

"About three or four days having received assurance of the King's certain recovery, by being free of any return of

* Diary of Henry Sidney, vol. i. p. 20.

his fever fits, I went up to London to solicit a great arrear of my embassies due from the treasury. The commissioners were met that morning at my Lord Essex's house, whither I went straight; but, by the way, heard that the Duke was that night passed through London, and rode post to Windsor; which I doubted not his Highness had been induced to by the reports of the King's danger, upon the news of his sickness; and made no further reflection upon it, than that of the great surprize, and *martel en tête* [uneasiness] that would be given Lord Essex and Halifax by this sudden arrival of the Duke, to whose interests they had run so counter, and with such heighths, for several years. But, upon their late separating all measures from the Duke of Monmouth and Lord Shaftesbury, I thought I had field enough left for doing them good offices to the Duke, when I should see him, which I resolved the next day. CHAP. II.

"When I came to Lord Essex's house, and asked for the commissioners, I found they were sat some time, but that Lord Essex had newly left them together, and was gone up into his chamber, whither I was immediately sent for; his servants went out and left him booted, and ready to get up on horseback. As soon as we were alone, he asked me, whether I had not met with strange news, and what I thought of it? I said, it did not seem very strange that the Duke should come, if he thought the King in danger. Lord Essex replied, yet 'twas strange he should come without leave from the King; and that, now his Majesty was well, sure he would not think of staying three days: that he was going as fast as he could to Windsor, to see what all this business was; and asked me if I would not go; which I excused for that day, but promised the next. In this little discourse, I observed all along a sneering smile, which I knew not what to make of; I thought, if it were a countenance, it was better put on than was usual with his lordship; and that he should be pleased with it at heart, I could not well imagine, knowing how things had passed between the Duke and him. Sir William Temple's interview with Essex.

"Next day I went to Windsor; and the first man I met was Lord Halifax, coming down from court on foot, and with a face of trouble; and as soon as he saw me, came on with hands lift And with Halifax.

CHAP. II.

up two or three times; upon which I stopped, and alighting, asked what was the matter. He told me, I knew all as well as he; that the Duke was come; that everybody was amazed; but where we were, or what would be next, nobody knew. He bid me go on to Court before the King went out; said he was going to his lodging, to sit and think over this new world; but desired we might meet, and my Lord Sunderland, after dinner.

"I went to the King, and after him to the Duke, who received me with great kindness, and presently carried me into a little inner room, and asked me smiling and very familiarly, whether I did not wonder to see him here? I told him, not at all, if he had thought the King in danger; for in that case his Highness had nothing else to do; and that I believed, upon the first news of His Majesty's illness, he would come as near as he could, either to Newport or Calais, and there expect the next news; but that, His Majesty's sickness having passed so soon, I confessed I had not thought of his coming over. We talked of the King's recovery, what stay his Highness would make, which he said should be as the King pleased, for he would obey him in everything.

And the Duke of York.

"I gave the Duke a short account of affairs here, as they had passed since the constitution of the Council; of the mischiefs had been occasioned by the Lord Shaftesbury's having been brought in so much against my will; of his measures with the Duke of Monmouth; of the three Lords having absolutely broken from him; of the credit they were grown into with the King; and of my confidence they would never fall into any measures against his Highness: upon which chapter I said a great deal that I thought necessary to make Lord Essex and Halifax's court, which I was very glad to see so well received by the Duke; for, as to Lord Sunderland, I had little reason to believe he needed it, having ever been in with the Court in the whole course of his life. For myself, I only said at last, that, because I did not know what our present distempers might end in, if the next Parliament should prove of the same humour with the two last, nor what measures his Highness would fall into about staying or going away again; I would only say that, let whatever would befal the

Temple's Narrative to the Duke.

King's affairs or his Highness's, he might always reckon upon me as a legal man, and one that would always follow the Crown as became me; nor could anything make the least scruple in this resolution, unless things should ever grow so desperate as to bring in foreigners, which (if ever it should be) would be a new case, and that I knew not what to think of. Upon this the Duke laid his hand upon mine, and bid me keep there, and said, that he would ask no more of me or any man: and so I parted, after a long and very gracious audience, and came home that night, having missed my Lord Halifax and Essex in the afternoon at Lord Sunderland's, where we had appointed to meet, and I came, but they failed; and Lord Sunderland and I talked deep into nothing, reserving ourselves, as I thought, till the others came.

Disgrace of Monmouth.

"I staid at home, making the reflections I could not avoid upon the carriage of my friends; till within a few days I heard the news of the Duke of Monmouth's disgrace, which, though it came by some degrees, yet they were so sudden one after another, as to make it appear a lost game in the King's favour and resolutions. Though nothing could seem more reasonable than that which it ended in, that, while the Duke was abroad, the Duke of Monmouth should be so too, having made his pretensions so evident, and pursued them so much to the prejudice of the King's affairs. However, I could not but wonder how the Duke had been able in so few days, or rather hours, to get so great a victory. I went within a day or two to London, found my Lord Halifax in physic, but saw plainly his distemper was not what he called it: his head looked very full, but very unquiet, and when we were left alone, all our talk was by snatches,—sickness, ill humour, hate of town and business, ridiculousness of human life; and whenever I turned anything to the present affairs, after our usual manner, nothing but action of hands or eyes, wonder, and signs of trouble, and then silence.

"I came home, and satisfied enough upon what terms I was with my friends, though I knew not whence it came, or whither it went. But I soon found out the whole secret, which was, that, upon the King's first illness, the Lords Essex and Halifax being about him, thought his danger great, and their

CHAP. II.

Fears of Halifax.

own so too; and that, if anything happened to the King's life, the Duke of Monmouth would be at the head of the nation, in opposition to the Duke, upon pretence of Popery, and in conjunction with Lord Shaftesbury, who had threatened to have their heads upon prorogation of the last Parliament; which threat was applied by Lords Essex and Halifax to themselves, reckoning Lord Sunderland out of danger by his relation to Lord Shaftesbury, and the fair terms that had always made between them. This fright had so affected these Lords that, not staying to see what the King's second fit would be, they proposed to the King the sending immediately for the Duke; which being resolved, and the dispatch made with all the secrecy and speed imaginable, the Duke came over; but finding the King recovered, it was agreed to pass for a journey wholly of his own, and that it should be received by His Majesty and the three Lords with all signs of surprise. When this was done, they found the Duke of Monmouth so enraged at this counsel, as well as Lord Shaftesbury, that they saw no way but to ruin them both, and throw them quite out of the King's affairs, and joining themselves wholly with the Duke's interest; which they did for that time, till they had brought about all his Highness desired for his security against the Duke of Monmouth and Lord Shaftesbury, the first going over into Holland, and the other being turned out of the Council."

Deceit of Temple.

It is impossible to deny, that something of insincerity was practised here against Sir William Temple, who was asked to make court to the Duke for Essex and Halifax, and kept in profound ignorance that it was by their means he had been summoned to Windsor. Accordingly, Sir William seems to have resented the trick put upon him, for he goes on to relate—

"For my own part, though I was glad of any mortification that happened to the Duke of Monmouth and Lord Shaftesbury, whose designs had run the kingdom into such incurable divisions and distractions, at a time that our union was so necessary to the affairs of Christendom abroad; yet I was spited to the heart at the carriage of my friends towards me in this affair; and not so much for their taking such a reso-

lution without my knowledge and concert (which they never had done since our first commerce), as for keeping me ignorant after the Duke's coming over; and so far as to let me make such a figure as I did, in doing all the good offices, and making all the court I could to the Duke for Lords Essex and Halifax, as I told them I would do, while they were both in the depth and secret of his interests and counsels, and I, who had reason to think myself well with his Highness, was left wholly out of all confidence both with him and with them. But I had reason to resent it yet further, when I found that some of them, perceiving the Duke much unsatisfied with the constitution of the new Council, had, to make their own court, laid the whole load of it upon me; whereas, if my Lord Chancellor, Lord Sunderland, and Lord Essex, had not fallen into it with the greatest applauses and endeavours in the world to finish the draught of it, the thing had certainly died; and, for my own part, after I could not hinder my Lord Shaftesbury's being brought in, I would have been very well content it should.

Essex avoids Temple.

"I could not but tell my Lord Sunderland of these resentments, and that I found myself so unfit for courts, that I was resolved to pass the rest of my life in my own domestique, without troubling myself further about any public affairs, than not to appear sullen in not coming sometimes to general Councils; and that Lords Essex and Halifax's carriage to me had been such, after having been the two men of England I had it in my power and fortunes most to oblige, that I would never have anything more to do with them. This I said only to one person more, and how it came to be known by their two Lordships I cannot tell; but there all commerce between us ended, further than what was common when we met at Council, or in third places; though Lord Halifax came to an *eclairecissement* with me the spring after, which ended very well, and I did him the service I could upon occasion in the late house, as well as in council, upon their heats against him.

Who complains to Sunderland,

"I passed the rest of the summer at home, and left the three Lords in the chief ministry and sole confidence, as outwardly appeared, both with the King and Duke; and Lord Essex told my brother, Sir John Temple, who was then here, that

Essex boasts of the court favour.

CHAP. II.

he had more credit with the King than all the rest of the ministers, or any man in England: but the refined courtiers, who observe countenances and motions, had no opinion of it; and, soon after, Lords Essex and Halifax, upon the private examination of an intrigue I could never make anything of, nor thought worth my enquiry, which was commonly called the meal-tub plot, took such a distaste at finding themselves mentioned in it, and yet left out of the secret examinations about it, that the Duke was no sooner gone, but their discontents grew open against the Court. My Lord Essex left the Treasury: Lord Halifax, in discourse to me, commended him for it, and told me his resolution to go down into the country; and though he could not plant melons as I did, being in the north, yet he would plant carrots and cucumbers, rather than trouble himself any more about public affairs; and accordingly he went down to Rufford. To their nearer friends I heard they complained, that they found they had no sound part in the King's confidence or the Duke's; that they were but other men's dupes, and did other men's work; and that, finding no measures would be taken for satisfying and uniting the kingdom, they would have no more part in public affairs."*

Halifax threatens to retire.

* Temple's Memoirs from the Peace to the Author's Retirement, ii. 521.

CHAPTER III.

FROM ESSEX'S LEAVING THE TREASURY TILL HIS DISMISSAL THE COUNCIL.

Abatement of the Mania of the Plot. Trial of Sir George Wakeman. James is permitted to go to Scotland. Monmouth is sent from Court. The Scottish Parliament. Conduct of Shaftesbury. Charles Prorogues the Parliament, and dismisses Shaftesbury. Essex desires to resign. The Meal Tub Plot. Appearance of Dangerfield. Has an interview with Charles and James. Essex contemplates resigning; but is anxious to be reappointed Viceroy of Ireland. Sir W. Temple's account. Plan of giving Charles £80,000 per annum from Ireland. Hyde supports Essex's claim. Sir W. Temple supports Ormonde. The Bill of Exclusion, seconded by Essex. Lord Stafford writes to Essex; who has him brought to the bar of the Peers. Parliament called at Oxford. State of the country. Remonstrance of Peers against the Oxford Parliament. Speech of Essex to the King. The King's Speech. Second Reading of the Exclusion Bill. Essex dismissed the Council.

CHAP. III.

Abatement of the Mania of the Plot.

Previous to the sudden visit of James to Windsor, the popular feeling, in relation to the Popish Plot, had begun greatly to abate. The attempts of the professional perjurers to keep up with the public appetite for horrible disclosures, had led them into the invention of fictions so incredible that even party spite and religious hatred began to be ashamed of their tools.

Trial of Sir George Wakeman.

The Charge of Oates against Sir George Wakeman, the physician of Katharine of Braganza, that he had agreed, at the Queen's instigation, to poison the King, seems to have alarmed even Scroggs. Happily for the physician, Oates had forgotten that, being questioned about him before the Council, he had replied, "God forbid that I should say anything against Sir George!" and when this was now denied by him, and proved from the Council books, by Sir Philip Lloyd, Clerk of the Council, Scroggs adopted a long-disused tone of impartiality, and Sir George Wakeman was acquitted. It is true that Sir George—on the threat afterwards of another prosecution—quitted the country for safety; but surely in

CHAP. III.

such times, and with such "a battalion of testimony" as Oates and Bedloe, and their associates, still allowed to pollute courts of alleged justice with their presence, such a determination cannot be construed as indicative of guilt.

Essex, and those who acted with him, had no control over the course of these events. The populace and the House of Commons had become infuriated, and the King and his Ministers, as we have seen during the administration of Danby, were but tools in the hands of the public frenzy.

To escape this domination was one of the chief reasons for the dissolution of the Parliament of which Temple's account is given in the last chapter. It was after this troublesome Parliament had been got rid of, that James made the hasty visit from Brussels. This visit had been made on condition that James would return as soon as the King recovered; but, in the meantime—to the apparent advantage of his views at that time, but, as it resulted, greatly to the injury of his reputation afterwards—he obtained leave to change his residence from Flanders to Scotland.

James is permitted to go to Scotland.

But the objects of Essex, Halifax, and Sunderland required, also, the removal of Monmouth, who had broken out into the most futile and indiscreet menaces on hearing of the visit of the Duke of York. All this they fully opened to Charles, shewing the designs which Shaftesbury hoped to accomplish by the weakness and vanity of Monmouth, and the actual danger which the King himself ran from the combination of such a plotter and such a dupe. These considerations startled the King, who ordered Monmouth to quit the Court, resign his commands, and go into Holland; where, it appears, by the narrative of D'Avaux, he was very coldly received by William; not, one may well assume, from any fear that Prince may have had of his rivalry for the English throne, but from an unwillingness to make himself appear, also, one of the dupes of Shaftesbury.

Monmouth is sent from Court.

James's expedition to Windsor had not been without its great advantage to himself. It caused the banishment of Monmouth, and obtained for him permission to return to Scotland. This permission was of no little importance to James at that crisis. The Parliament of Scotland was a mere shadow of a

legislative assembly. In a country where all the people, both yeomen, burghers, and peasantry, and a great body of the most exalted peers and most ancient families were Presbyterians, none but Episcopalians could sit in Parliament. That Parliament was a strange assemblage of Lords and Commons in one chamber, and these Lords and Commons the mere mouthpieces of Lauderdale and the Council. Such a body was prepared to second any effort that James might have thought proper to make. No English act of exclusion could bind Scotland as to the succession of its Kings; and there were even sufficient national prejudices to enable James, if need were, to lead a Scottish army in support of his English claim.

The Scottish Parliament.

In the meantime the new Parliament promised to be so little favourable to the Court, that Charles seems, in some unaccountable way, to have aroused himself from his constitutional lethargy to prepare for its assembling. The high Protestant party were anxious to show a great accession of strength. Sir William Temple complains that the Bishop of Ely opposed his election for Cambridge on the ground that he had described the Dutch system of religious toleration in his Chapter on Holland; but without even alleging that Sir William approved it.

Shaftesbury, also, was exceedingly busy "blowing the coals" for the new Parliament; but Charles astonished the Council, by directing the Chancellor, in their presence and without consulting them, to draw up a proclamation for the further prorogation for twelve months. "The King," writes Sir W. Temple, who was present at the Council, "after a little pause, told us, that upon many considerations which he could not at present acquaint us with, he found it necessary to make a longer prorogation than he had intended of the Parliament; that he had considered all the consequences, so far as to be absolutely resolved, and not to hear anything that could be said against it: that he would have it prorogued till that time twelvemonth, and charged my Lord Chancellor to proceed accordingly.

Conduct of Shaftesbury.

"All at Council were stunned at this surprising resolution, and the way of proposing it, except those few that were in

CHAP. III.

the secret, and they thought fit to be silent, and leave the thing wholly upon His Majesty: several others rose up, and would have entered into the reasonings and consequences of it, but the King would not hear them, and so all debate ended."*

Charles prorogues the Parliament & dismisses Shaftesbury.

Charles, at the same time, had the courage to remove Shaftesbury from the Council and supply his place by Lord Robarts. In the meantime, and before this second prorogation, Essex had retired from the Treasury, but not from the Council. His determination to retire from the office had been taken for some time. He began to feel that, like every minister of Charles, he only appeared responsible to the public, and that his real business was transacted behind his back.

Essex desires to resign.

When Charles delayed calling this parliament, which he had so suddenly prepared to prorogue before it met, Essex had expressed to those about him his anxiety to resign.†

* *Temple's Memoirs*, ii. 522.—Sir William gives a very spirited speech, delivered in reply to Charles's determination, which, however, seems to have fallen harmless.

"I rose," he says, "and told the King, that as to the resolution he had taken, I would say nothing, because he was resolved to hear no reasoning upon it; therefore I would only presume to offer him my humble advice as to the course of his future proceedings: which was, that His Majesty in his affairs would please to make use of some council or other, and allow freedom to their debates and advices; after hearing which His Majesty might yet resolve as he pleased: that if he did not think the persons or number of this present Council suited with his affairs, it was in his power to dissolve them, and constitute another of twenty, of ten, or of five, or any number he pleased, and to alter them again when he would; but to make counsellors that should not counsel, I doubted whether it were in His Majesty's power or no, because it implied a contradiction; and, so far as I had observed either of former ages or the present, I questioned whether it was a thing had been practised in England by His Majesty's predecessors, or were so now by any of the present princes of Christendom: and therefore I humbly advised him to constitute some such council as he would think fit to make use of in the digestion of his great and public affairs.

"His Majesty heard me very graciously, and seemed not at all displeased with any thing I had said; nor any other person of the lords of the Council, but most very much to approve it."—*Ibid.*

† "On Sunday last a Council was appointed to consider of the ways of pursuing the plot. Among other things which were thought necessary for carrying on the design, the meeting of the Parliament was proposed by my Lord of Essex; but the King said that was not the business of the day, and so would not let him speak any more of it. Several others offered at it, but the King would not let it come to a debate; he still putting them off with saying that there were laws enough in England to punish offenders, that it was not necessary to call a Parliament for it.

"The scene is quite changed since I went into England. The whole story of it I must defer till I have the happiness to see you, and now will only tell you that some of our friends are most horribly unsatisfied. My Lord of Essex hath thought of quitting, but hath not yet told his mind to the King. My Lord of Halifax is sick and out of humour, and sometimes talks of retiring, but is not yet resolved upon anything. Sir William Temple stays at home, and never comes to Councils or into any company. This is very different to what was four months ago. What will be the next change God only knows!"—*Sidney to the Prince of Orange. Diary*, i. 182.

"In the morning I had talk with my Lord of Essex. He told me he wondered the Prince

CHAP. III.

He was, therefore, waiting for the first convenient excuse to quit his employment, when this was effected by the "Meal-tub Plot."

The Meal-tub Plot.

A young man of profligate habits, called Dangerfield, envying the ease and luxury, and even dignity, with which the House of Commons had invested Oates, determined to see if a counter-plot might not get equal patronage from the Court. He was, however, awkwardly placed for any one wishing to cause a great sensation on the ground of the truth of his disclosures. He had been several times convicted, and the records of these events were then easily referred to by brands on the person, and he was just then in gaol for debt. He had, however, a "plot" to "discover," and a "revelation" to make, and such implements, like love, laughed then at locksmiths.

Appearance of Dangerfield.

Lady Powis, a gentlewoman of the Roman Catholic faith, with more zeal than discretion, was accustomed to employ one Mrs. Cellier as an agent in what both women believed to be very important negotiations; and in her investigations Mrs. Cellier found Dangerfield ready charged with his "plot," but lingering in prison. The plot was an excellent one, charging the Presbyterians with the intention of murdering the King; and the depositary of so important and timely a secret had his debts paid by Lady Powis, and made his disclosures accordingly, first having in a very pious manner proclaimed his conversion to the Church of Rome.

Has an interview with Charles and James.

In the presence of the King and James, he detailed his most improbable story, that Colonel Mansel and "the Presbyterians" meant to assassinate the King, and received from the royal brothers presents of money for his loyal disclosure. Even for the appetite of that day Dangerfield's villany was too apparent, and he was not only disbelieved but sent to prison. There he quite altered his account. He declared that the Papists had suborned him to accuse the Presbyterians, and that the whole correspondence on that subject

could talk with such a villain as Fitz-Patrick. A cipher of his was found among Coleman's papers. He owned his being resolved to quit. Sir Harry Capel means to move for the sitting of Parliament, and would have Sir William Temple to assist. A project was resolved to bring the Lord Chancellor into the Treasury. The King approves of it. He is to be with him to-morrow."—*Sidney's Diary*, i. 179.

CHAP. III.

would be found in the house of Mrs. Cellier, hidden in a tub of meal. Such documents were found; but the authorities were induced to believe the not very probable story, that Dangerfield had put them there himself, and that Lady Powis and Mrs. Cellier took a convicted felon out of prison without at all assisting him in his story against the Presbyterians.* The ladies escaped at the Old Bailey; and when James came to the throne, Dangerfield was publicly flogged with ruthless savagery, and died, as it was pretended, from the blow of a switch, given him across the eyes by a person called Francis, of Gray's Inn.†

* This woman Cellier seems to have been a most active agent of the reactionary Romish faction. Dangerfield was not the only person who charged her with having endeavoured to obtain perjured evidence against the Protestant party. I find it recorded in a contemporary narrative:—

"And about the 20th of November one Zeal, being called to the bar of the House, delivered his information at the bar, the purport whereof was this:—That, being a prisoner in the Marshalsea, Mrs. Cellier came divers times to him, and treated with him not only to be instrumental himself, but to procure others to assist him to fire his Majesty's ships as they lay in the harbour; as also to swear against the Earl of Shaftesbury such articles of high treason as she should get ready prepared for him, or to that purpose."—*The Complete Statesman demonstrated in the Life, Actions, and Politics of that great Minister of State, Anthony, Earl of Shaftesbury.* 1683.

† Mr. Macaulay's candour is allowed by him full exercise on this event:—

"As he (Dangerfield) passed the corner of Hatton Garden, a Tory gentleman, of Gray's Inn, named Francis, stopped the carriage and cried out with brutal levity, 'Well, friend, have you had your heat this morning?' The bleeding prisoner, maddened by this insult, answered with a curse. Francis instantly struck him with a cane in the face, which injured the eye. Dangerfield was carried dying into Newgate. This dastardly outrage roused the indignation of the bystanders. They seized Francis, and were with difficulty restrained from tearing him to pieces."—*Macaulay's England*, i. 486.

The comment upon this passage, written in all probability by the Right Hon. J. W. Croker, is much too good to be omitted. Having given several instances of Mr. Macaulay's charge of Toryism as the heaviest crime, the writer proceeds:—

"In this spirit he proceeds with Dangerfield's story. This man had been sentenced to be publicly whipped. Mr. Macaulay tells us that on the evening of his punishment a *Tory gentleman* of Gray's Inn, named Francis, struck Dangerfield with a small cane, which accidentally entering the eye, killed him. For this deed, which, Mr. Macaulay says, was but manslaughter, Francis was executed as for murder (i. 489). Now here Mr. Macaulay refers to the State Trials, where, however, there is nothing about a *Tory gentleman*, but simply '*a barrister of Gray's Inn.*' Mr. Macaulay thought, we presume, that he was at liberty to *infer* from Francis's professing in his dying speech that 'he had never before seen Dangerfield, nor had any grudge or personal prejudice against him more than what all honest and good men could not but have who love the King and government,' that he must be a Tory. The inference may be a fair one, though we should have hoped that there might even then have been found a Whig loyal to the King, and who abhorred such miscreants as Oates and Dangerfield. But however that may be, Mr. Macaulay was not justified in interpolating, *ad invidiam*, the term Tory, which his authority had not employed.

"Another circumstance of Mr. Macaulay's report of this case is still worse. It had been falsely rumoured at the time that Francis had been jealous of an intimacy between his wife and Dangerfield. The husband's dying speech indignantly refuted that calumny,

Essex, as we have said, had been contemplating for some time a retirement from Temple's extraordinary Cabinet, and the mention of his name in Dangerfield's fabrications hastened his resolution.

Essex contemplates resigning.

He did not, however, publicly retire from the Council, as he had set his mind on becoming once more Lord Lieutenant of Ireland. This project, if we are to believe Sir William Temple—whose intimacy with the Duke of Ormonde may have prejudiced him on the subject—Essex urged with great perseverance, and by means of strong inducements addressed to the cupidity of the King.

Essex had for some time neglected attendance on the Council,* when messages sent from Dublin, by Ormonde, drew the attention of the Government to the condition of Ireland. Several acts of the Irish Privy Council had been sent over, both in relation to "grace and supplies," with the intention of having a Parliament called in Ireland.

But is anxious to be re-appointed Viceroy of Ireland.

This intention Essex determined, if possible, to thwart. His experience of Ireland told him, that if Ormonde could assemble a parliament and so manage it as to grant the King supplies, he would be placed finally in his viceroyalty, and Essex's ambition of obtaining the place be doomed to disappointment.

Accordingly, he resumed his attendance at the Council, and submitted the acts of the Irish Privy Council to violent

saying that she was an excellent wife—a most virtuous woman—and so well born that, had she been so inclined, she would not have debased herself to *so profligate* a person.' This defence, sufficiently absurd in itself, needed no exaggeration; but Mr. Macaulay makes it the occasion of sneering at two usual objects of his dislike—*Tories and Churchmen*—for he quotes the authority as saying that, if the woman 'had been inclined to break her marriage vow, she would have at least selected a TORY and a CHURCHMAN for her paramour!'" —i. 490. *Quarterly Review*, clxviii. 564.

* "In this time the Lord Russel, Lord Cavendish, Sir H. Capel, and Mr. Powle, distasted at the late prorogation, as well as at the manner of it, and pretending to despair of being able to serve the King any longer in a conduct of affairs so disagreeable to the general humour of the people; went to the King together, and desired His Majesty to excuse their attendance any more upon him at Council, which the King very easily consented to. Lord Salisbury, Lord Essex, and Lord Halifax seemed to have taken the same resolution, though not in so much form. Upon which I thought it might be a great prejudice to his Majesty's affairs to be left by so many at once; and that, if I wholly gave over at the same time, it would look like entering into a faction with persons who were only displeased with the present scene upon hopes of entering soon upon another, which was no part of my thoughts or designs. Therefore I resolved to go again to Council, to shew I had not herded with those that had left it, and that my leaving it too might not occasion some men's greater distastes at the government."—*Temple's Memoirs*, ii. 524.

CHAP. III.

hostile criticism, alleging the incapacity of the Lord Lieutenant and Council, and that, in all probability, if a Parliament were called, the persons at the head of affairs would so mismanage it as to produce more mischief than good.

The following is Temple's narrative of the conduct of Essex at this juncture. After mentioning the arrival of the Irish acts, and the desire of the Duke of Ormonde that a Parliament should be called in Dublin, he proceeds:—

Sir W. Temple's account.

"This brought Lord Essex again into play, after so much discontent and so little attendance, for several months, at Council: but his eye and heart had ever been bent upon his return to the government of Ireland; which made him steer all by that compass, and pursue court or popular humour, as he thought either likeliest to further that end. Whenever the Irish acts came into Council he was sure to be there; first raising twenty difficulties in the different acts, and arraigning not only the prudence, but the common sense of the Lord Lieutenant and Council there: then arguing against the assembling a parliament in that kingdom; and at last introducing Sir James Sheen to make proposals of increasing the King's revenue there near eighty thousand pounds a year, upon a new farm to himself and the company he offered to be joined with him: a farm indeed, as it was drawn up, not of the revenue, but of the crown of Ireland.

Plan of giving Charles 80,000*l.* per ann. from Ireland

"This scheme was ever supported by Lord Essex; and ever opposed by me with more sharpness than was usual to me upon any debates; because I had found out the cheat of the whole thing which Lord Essex had set on foot as a great master-piece of that cunning—which his friends used to say was his talent—and was one for which, of all other talents, I had ever the greatest aversion. The short of this story was, Lord Essex had a mind to be Lieutenant of Ireland, and to hinder any parliament being called till he came to the government. He saw himself out at Court, and the hopes of getting in by his interest in parliament—now delayed by the prorogation longer than he could stay—he projects this farm with Sir James Sheen, and by him offers it to Mr. Hyde, with the advantages mentioned to the King's revenue; but agrees with Sir James that, if the bait were swallowed, he

should, upon the conclusion of all, declare that he and his company were ready to perform all the conditions agreed on, but could not do it unless my Lord Essex might be sent over Lieutenant of Ireland, without which the condition of that kingdom could never be settled enough for such advantages to the King's service and revenue.

"This I knew under secrecy from a confidant of Sir James Sheen, who had told himself this whole project, and the paces intended.

Hyde supports Essex's claim.

"Mr. Hyde, who was at the head of all matters concerning the King's revenue, who had received this new proposal and embraced it very warmly; whether prevailed upon by the specious show of so great increases in the revenue, or by some new measures growing between him and Lord Essex in other affairs, I never could determine; but such a patronage at Council gave strength to the debates, being little opposed but by Sir Lionel Jenkins and me, who laid the matter so bare that it drew out into length that whole spring; and the King joined wholly with me in the opinion of the thing, and so far, that when it was come to Council or Committee, His Majesty sent particularly to me to be there.

Sir W. Temple supports Ormonde.

"In the midst of these agitations, the Duke came over out of Flanders, and resolution was taken for his going into Scotland. I was extremely concerned for the Duke of Ormond, who had fallen into danger of the consequences threatened by these intrigues and pursuits, after the most sensible blow that could be given him by the death of his son (the Earl of Ossory), and was both of an age and merits to expect no more reverses of fortune, after so many as he had run through in the course of his loyalty. I saw Mr. Hyde violently bent upon Sir James Sheen's imaginary project, and, I doubted, with some pique to the Duke of Ormond and partiality to Lord Essex. The King seemed to grow weary of so much pursuit, and Lord Sunderland was indifferent in the thing; so that I resolved to try if I could not engage the Duke to support the Duke of Ormond; and the second time I was with his Highness after his coming to Court, I fell into this whole business and the consequences of it, and laid open the secret of the thing. The Duke seemed

CHAP. III.

very favourable to Lord Essex, and more indifferent to the Duke of Ormond than I expected, which made me fall very freely into the character of them both, which the Duke seemed at last to allow with the distinction they deserved, and professed to desire the Duke of Ormond should be continued; though, if he were removed at any time, he still seemed to think Lord Essex the fittest to succeed him. But I found, some days after, by Sir Lionel Jenkins, that his Highness had been very glad to find me so fixed in that business to the Duke of Ormond, and that he would give him what support he could."*

This project of Essex, as it resulted, was never fated to be fulfilled, although there is no doubt that he engaged in several intrigues to accomplish it. Temple relates that he entered on an alliance with Shaftesbury on the distinct and expressed ground, that his recompense should be the Irish viceroyalty.†

The bill of exclusion.

And now came on the violent proceedings against Popery which found embodiment in the Bill of Exclusion of the Duke of York. In these affairs Sir Henry Capel, the brother of Lord Essex, took an active part in the Lower House. On the meeting of the parliament of 1680, he seconded Lord Russell's motion, "That the House should take into consideration how to suppress Popery, and prevent a Popish successor." His speech is chiefly remarkable for containing a eulogy on Titus Oates, conceived in the most absurd terms. He repeated similar opinions when the Exclusion Bill was passing the Commons, and showed what the conduct of his brother was likely to be on the same subject in the Lords. The bill passed the Commons in triumph—Colonel Birch, the ex-carrier, who had risen under Cromwell, denouncing the "expedients" as an attempt to "catch a lion in a mouse-trap."

* Temple's Memoirs, from the Peace to 1679, vol. ii. p. 525.

† "Lord Essex, who had pursued his return to the government of Ireland by engines at court for six months past, began to let all that business of Sir James Sheen cool, and to reckon upon laying a surer foundation for that design, from the credit he intended to gain in the approaching Parliament. Upon this he began to fall into new commerce with Lord Shaftesbury, who told him in these shameless words, 'My Lord, if you will come in to us, never trouble yourself, we'll make you Lieutenant of Ireland.' The way to this return was to oppose the Duke's stay here upon the several passages he made, but chiefly upon that before the session of Parliament."—*Temple's Memoirs*, ii. 527.

Lord Russell carried up the bill to the House of Lords, accompanied by a large body of exclusionists, who cheered loudly when he delivered it across the bar. In the Lords Shaftesbury led in support of the bill, and was seconded by Essex, whether in pursuance of their compact about the Irish Lord Lieutenancy or not we cannot now decide.

Seconded by Essex.

"The bill," says Temple, "passed the House of Commons, and was carried up by Lord Russell to the House of Lords, as I think, for I was not there at the house. But in the House of Lords it met with another kind of reception. The King was resolved, and declared against the bill; and though Lord Shaftesbury, Lord Essex, and, as I remember, about fifteen more, were violently for it, yet the rest of the house were firm and positive against it, among whom Lord Halifax appeared most in the head of all debates; and so it was, after long contest, absolutely thrown out."*

The House of Commons, exasperated by the success of Halifax in throwing out the bill, next day addressed the King to remove him from his presence and councils. Charles, however, declined to comply, remarking to those around him, that "his father had lost his head by abandoning his ministers, but for his part he intended to die after another manner."

Lord Stafford writes to Essex.

The House then attacked the venerable Lord Stafford, and his trial and execution speedily followed—a trial the most disgraceful even in that time of shameless perjury. Oates's evidence, that his lordship was to be the paymaster of a Popish army, and Tuberville's assertion, that he had solicited him to assassinate the King, could not have been believed by any persons, not insane with fear, and drunken with meaningless enthusiasm. Indeed, to his eternal disgrace, Lloyd, Bishop of St. Asaph, refrained from telling what he knew of Tuberville, and which, even before that sanguinary tribunal, would have rendered worthless the perjuries he had come there to commit.

Who has him brought to the bar of the Peers.

Lord Stafford, on his conviction, actuated, no doubt, by weakness of mind, wrote to Lord Essex that he had revelations to make which would greatly displease the Duke of

* Evelyn's Diary, Nov. 1680.—Temple's Memoirs, ii. 533.

CHAP. III.

York. Essex replied that he might, if he pleased, implicate the Duke of York without criminating himself, and caused the old man to be brought to the bar of the House of Lords.

Here, however, it was soon apparent that Lord Stafford had nothing of any importance to communicate. He was remanded back to prison, and in a few days afterwards butchered on Tower Hill, amid the cries of the multitude that they believed him innocent.

The Parliament now proceeded to address the Crown in violent remonstrance. The Exclusion Bill was still pursued in the Commons; and at length Charles suddenly prorogued the assembly, giving the house only fifteen minutes' notice of his intention. Immediately after the prorogation, he proceeded to dissolve the Parliament, and to call another to meet at Oxford on the 21st of March, 1681.

Parliament called at Oxford.

The utmost discontent was created by the calling of the Oxford Parliament. The country was indeed in a sad condition from the prevailing apprehension of the Popish plot, and the now incredible falsehoods and perjuries by which a cloud of villains endeavoured, and successfully, to obtain money and power by dealing in false accusations against persons of all ranks and stations.* In this condition of affairs the determination of Charles to meet the Parliament at Oxford was received by the Whig party with the utmost hostility and dismay, and Essex was pitched upon to present a remonstrance, which was the joint work of himself and Shaftesbury.

State of the country.

Remonstrance of Peers against the Oxford Parliament.

Speech of Essex to the King.

The speech, in which Essex presented the remonstrance to the King, was in the following words:—

"May it please your Majesty,

"The Lords here present, together with divers other Peers of the Realm, taking notice, that by your late Proclamation

* "And now we are got into such a bog of plots, sham-plots, subornations, and perjuries, as the history of no age can parallel. 'Twas the mode for discarded varlets, Irish ship-kennels, and indigent extravagants to be treated, and treating one another with no less than the assurances of vast and mighty fortunes, and employments in places of trust and honour, on condition they would lustily swear the plot upon the Presbyterians; but none of these cursed projects were ever proposed but the Earl of Shaftesbury was principally (though with many other noble heroes) to be charged as the chiefest agent in it."—*Compleat Statesman*, 1683.

your Majesty hath declared an intention of calling a Parliament at Oxford; and observing from histories and records, how unfortunate many such assemblies have been, when called at a place remote from the capital city; as particularly the Congress in Henry the Second's time at Clarendon; three several Parliaments at Oxford, in Henry the Third's time; and at Coventry, in Henry the Sixth's time, with divers others, which have proved very fatal to those kings, and have been followed with great mischief to the whole kingdom:—And, considering the present posture of affairs, the many jealousies and discontents which are among the people, we have great cause to apprehend that the consequences of sitting of a Parliament now at Oxford may be as fatal to your Majesty and the nation as those others mentioned have been to the then reigning kings; and, therefore, we do conceive that we cannot answer it to God, to your Majesty, or to the people, if we, being peers of the realm, should not, on so important an occasion, humbly offer our advice to your Majesty, that, if possible, your Majesty may be prevailed with to alter this (as we apprehend) unseasonable resolution. The grounds and reasons of our opinion are contained in this our Petition, which we humbly present to your Majesty." CHAP. III.

The grounds of the objections to the Oxford Parliament are set forth with great vigour in the following petition:—

"TO THE KING'S MOST EXCELLENT MAJESTY.

"The humble Petition and Advice of the Lords undernamed, Peers of the realm, The Lords' Petition.

"Humbly showeth,

"That whereas your Majesty hath been pleased, by divers speeches and messages to your Houses of Parliament, rightly to represent to them the dangers that threaten your Majesty's person and the whole kingdom from the mischievous and wicked plots of the Papists and the sudden growth of a

CHAP. III.

foreign power; unto which no stop or remedy could be provided, unless it were by Parliament and an union of your Majesty's Protestant subjects in one mind and one interest.

"And the Lord Chancellor, in pursuance of your Majesty's commands, having more at large demonstrated the said dangers to be as great as we, in the midst of our fears, could imagine them; and so pressing, that our liberties, religion, lives, and the whole kingdom would certainly be lost, if a speedy provision was not made against them.

"And your Majesty, on the 21st of April, 1627, having called unto your Council many honourable and worthy persons, and declared to them, and to the whole kingdom, that being sensible of the evil effects of a single ministry, or private advice, or foreign committee, for the general direction of your affairs, your Majesty would for the future refer all things unto that Council, and by the constant advice of them, together with the frequent use of your great Council the Parliament, your Majesty was hereafter resolved to govern the kingdom—we began to hope we should see an end of our miseries.

"But, to our unspeakable grief and sorrow, we soon found our expectations frustrated. The Parliament then subsisting was prorogued and dissolved before it could perfect what was intended for our relief and security; and though another was thereupon called, yet by many prorogations it was put off till the 21st of October past; and notwithstanding your Majesty was then again pleased to acknowledge, that neither your person nor your kingdom could be safe, till the matter of the plot was gone through, it was unexpectedly prorogued on the 10th of this month, before any sufficient order could be taken therein; all their just and pious endeavours to save the nation were overthrown, the good bills they had been industriously preparing to unite your Majesty's Protestant subjects brought to nought; the discovery of the Irish plots stifled; the witnesses that came in frequently more fully to declare that both of England and Ireland discouraged; those foreign kingdoms and states who, by a happy conjunction with us, might give a check to the French powers, disheartened, even to such a despair of their own security against the growing greatness

of that monarch, as we fear may induce them to take new resolutions, and perhaps such as may be fatal to us; the strength and courage of our enemies, both at home and abroad, increased, and ourselves left in the utmost danger of seeing our country brought into utter desolation.

"In these extremities we had nothing under God to comfort us, but the hopes that your Majesty (being touched with the groans of your perishing people) would have suffered your Parliament to meet at the day unto which it was prorogued, and that no further interruption should have been given to their proceedings, in order to their saving of the nation; but that failed us too; so then we heard that your Majesty had been prevailed with to dissolve it, and to call another to meet at Oxford, where neither Lords nor Commons can be in safety, but will be daily exposed to the swords of the Papists and their adherents, of whom too many are crept into your Majesty's guards. The liberty of speaking according to their consciences will be thereby destroyed, and the validity of all their acts and proceedings (consisting in it) left disputable. The straitness of the place noway admits of such a concourse of persons as now follows every parliament; the witnesses which are necessary to give evidence against the Popish lords; such judges, or others, whom the Commons have impeached, or had resolved to impeach, can neither bear the charge of going thither, nor trust themselves under the protection of a Parliament that is itself evidently under the power of guards and soldiers.

"The premises considered, we, your Majesty's petitioners, out of a just abhorrence of such a dangerous and pernicious counsel (which the authors have not dared to avow), and the direful apprehensions of the calamities and miseries that may ensue thereupon, do make it our most humble prayer and advice, that the Parliament may not sit at a place where it will not be able to act with that freedom which is necessary; and especially to give unto their acts and proceedings that authority which they ought to have amongst the people, and have ever had, unless impaired by some awe upon them (of which there wants not precedents); and that your Majesty would be graciously pleased to order it to sit at Westminster

CHAP. III.

(it being the usual place, and where they may consult with safety and freedom).

"And your Petitioners, &c.

"Monmouth	Shaftesbury,
Kent,	Mordant,
Huntingdon,	Ewers,
Bedford,	Paget,
Salisbury,	Grey,
Clare,	Herbert,
Stamford,	Howard,
Essex,	Delamer."

This remonstrance was without effect, and Charles decided that the Oxford Parliament was to proceed. It met amidst great excitement: Charles and the Whigs proceeded to Oxford in mutual fear, and both parties were attended by escorts, the King, of his guards, and the Whig leaders, of the populace. The chiefs of the opposition armed their servants and retainers, and entered the city amidst loud cries of "No Popery! No Slavery!"*

The King's speech.

Charles, depending on France and determined against the Exclusion Bill, opened the session with a very arrogant speech, described by Seymour as more suitable to France than England, and concluded in the following words:—

"My Lords and Gentlemen,

"The unwarrantable proceedings of the last House of Commons were the occasion of my parting with the last Parliament; for I, who will never use arbitrary government myself, am resolved not to suffer it in others. I am unwilling to mention particulars, because I am desirous to forget faults; but whosoever shall calmly consider what offers I have formerly made, and what assurances I renewed to the last Parliament; how I recommended nothing so much to them, as the alliances I had made for the preservation of the general

* North's Examen., 102.

peace in Christendom, and the further examination of the Popish Plot; and how I desired their advice and assistance concerning the preservation of Tangier; and shall then reflect upon the strange, unsuitable returns made to such propositions by men that were called together to consult, perhaps may wonder more that I had patience so long, than that at last I grew weary of their proceedings. I have thought it necessary to say thus much to you, that I may not have any new occasion given me to remember more of the late miscarriages: it is as much my interest, and shall be as much my care, as yours, to preserve the liberty of the subject; because the crown can never be safe when that is in danger; and I would have you likewise be convinced that neither your liberties nor properties can subsist long, when the just rights and prerogatives of the crown are invaded, or the honour of the government brought low, and into disreputation. I let you see, by my calling this Parliament so soon, that no irregularities in Parliament shall make me out of love with them; and by this means offer you another opportunity of providing for our security here, by giving that countenance and protection to our neighbours and allies which, you cannot but know, they expect from us, and extremely stand in need of, at this instant; and at the same time give one evidence more, that I have not neglected my part to give that general satisfaction and security which, by the blessing of God, may be attained, if you, on your parts, bring suitable dispositions towards it; and that the just care you ought to have of religion be not so managed and improved into unnecessary fears as may be made a pretence for changing the foundation of the government. I hope the example of the ill success of former heats will dispose you to a better temper, and not so much to inveigh against what is past, as to consider what is best to be done in the present conjuncture. The farther prosecution of the plot, the trial of the Lords in the Tower, the providing a more speedy conviction of recusants, and, if it be practicable, the ridding ourselves quite of that party that have any considerable authority or interest amongst them, are things, though of the highest importance, that hardly need to be recommended

CHAP. III.

to you, they are so obvious to every man's consideration, and so necessary for our security. But I must needs desire you not to lay too much weight upon any one expedient against Popery, as to determine that all others are ineffectual; and, among all your cares for religion, remember, that without the safety and dignity of the monarchy, neither religion nor property can be preserved. What I have formerly and so often declared touching the succession, I cannot depart from. But to remove all reasonable fears that may arise from the possibility of a Popish successor's coming to the crown, if means can be found that, in such a case, the administration of the government may remain in Protestant hands, I shall be ready to hearken to any such expedient by which the religion might be preserved and the monarchy not destroyed. I must, therefore, earnestly recommend to you to provide for the religion and government together, with regard to one another, because they support each other: and let us be united at home, that we may recover the esteem and consideration we used to have abroad.—I conclude with this one advice to you, that the rules and measures of all your votes may be the known and established laws of the land, which neither can nor ought to be departed from or changed, but by act of parliament; and I may the more reasonably require, that you make the laws of the land your rule, because I am resolved they shall be mine."

The King's precedent was followed by the courtiers in the house. A fair example of their arrogance is to be found in the opposition offered by Secretary Jenkins to the printing of the votes for distribution, on the plea that it was beneath the dignity of the Parliament, and "a sort of appeal to the people."

Shortly after this, and when much time had been lost in the affair of a wretched perjurer called Fitzharris, whom the Commons, in their heat, impeached, but whom the Lords declared too mean to be tried at their bar, and remitted to the Common Law, which sent him, shortly afterwards, to be hanged at Tyburn, Sir Nicolas Carew brought in the Exclusion Bill. The Whigs supported the bill in speeches of

great violence.* The delay of bringing in the bill is said to have taken place that the Whigs might await the result of a proposal of Shaftesbury to the King, that the succession to the Crown should be settled on Monmouth! If so silly a proposal was made, Charles, of course, had scouted it, and the Commons immediately forced on the bill, and read it a second time.

Second reading of the Exclusion Bill.

The King now became alarmed at the prospect of his brother being set aside, and coming down suddenly to the chamber occupied by the Lords, in a sedan-chair, with the crown between his feet, he hastily robed and dissolved the Parliament; but not before the House, in the fifteen minutes during which it had notice of his intention, had passed several violent resolutions against the dissolution, the plot, and Popery.

Essex dismissed the Council.

Essex had been violent on the bill of Exclusion debate. He had proceeded so far that he had moved, that an association should be formed, into the hands of which some "cautionary towns" should be placed as security that the law, when passed, should be observed during the life of the King, and obeyed at his death. The proposal was agreed to by the House, and the enmity of Charles secured for life. This enmity soon showed itself: while the Oxford Parliament was yet sitting, Charles struck the names of Essex, Sunderland, and Sir William Temple out of the list of Privy Councillors.†

This proceeding of the Crown seems to have thrown the Earl of Essex more completely into the discontented party, and caused him "generally to converse with Shaftesbury and

* "A Just and Modest Vindication of the two last Parliaments."

† "Within few days, employed wholly in my domestic concerns, and in order to the remove I intended, I left the town and went to Sheen: from whence I sent the King word by my son, that I would pass the rest of my life like as good a subject as any he had; but that I would never meddle any more with any public affairs; and desired His Majesty would not be displeased with this resolution. The King very graciously bid him tell me, that he was not angry with me, no, not at all.

"I had not been above a week at Sheen, when my Lady Northumberland (who lived then at Sion) came to my closet one morning, and told me that, the day before, my Lord Sunderland, my Lord Essex's names and mine, were struck out of the Council; which was the first word I heard of any such thing; and upon which I neither made any reflections nor enquiries; though many others seemed much to wonder, and enquired of me what could be the reason of my being joined with the other two lords whose proceedings had been very different."—*Temple's Memoirs*, part iii.

CHAP. III.

the Duke of Monmouth, the Lord Russell, Algernon Sidney, and other persons supposed to be disaffected."* The adoption of these associates, though not new in the life of Essex, had a great influence in bringing about his sudden, melancholy, and even still mysterious death.

* Dr. Buck's Memoirs.

CHAPTER IV.

FROM ESSEX'S DISMISSAL FROM THE COUNCIL TO THE RYE-HOUSE PLOT.

Essex talks of resistance—Hopes of the Whigs—Nature of their associates—Relations of the Government with France—State of Scotland and Ireland—Essex's Letters from Ireland—Essex's Obligations to Danby—His contempt for the Treasury—State of the Public Affairs—Resistance of Charles — Prosecution of Shaftesbury — Conduct of James in Scotland—Prosecution of Dissenters—Return of James—Attack on the City Charter—Death of Shaftesbury—The Inferior Plot—Lady Rachel Russell's Account—Essex introduces Howard to Russell—Suspicion of Essex by Lady Russell—Revelation of the Rye-House Plot.

Essex talks of resistance.

The Earl of Essex had now, in common with a great body of the most patriotic and estimable men of the day, begun at last to talk despondingly of any hope existing for the religion and liberty of England except in an armed resistance. That this mischievous kind of talk was very prevalent among the Whigs, we have the testimony of Lord Russell himself; and that it meant only talk in the mouth of such men as Algernon Sidney, and even Essex, is difficult to believe. That Sidney hoped for a Commonwealth, and Essex and Russell to remodel and restrict the Monarchy, and to utterly extinguish, at any cost, the advance of Popery, there is no doubt. If they had not held these opinions indeed, the respect with which posterity has regarded their memories would have been misapplied.

Hopes of the Whigs.

Nature of their associates.

In troublous times, and when even honest men are driven to secret councils, scoundrels will always find their harvest in fastening their attention, advice, and services on men of integrity and rank. Of all misfortunes political misfortune has at all times found the strangest bedfellows. This was the

CHAP. IV.

case of the Whig lords and gentlemen in the days of the so-called Presbyterian plot. That Charles Stuart was a tyrant, a traitor, and a perjurer—that his brother James was a despot, in his heart so malignant that he wanted but intellect to eclipse the most satanic tyrants of all history—that the Church and the courtiers had laid this great nation unreservedly at the feet of these men, and that they were making the liberties of the country daily more and more shadowy, it is impossible either to explain away or to deny.

It was in vain that the common law declared that "for every wrong there was a remedy." It was in vain that the mendacious statute-book set out the Habeas Corpus Act. The common law was delivered by the lips of Jeffries and Scroggs. The Habeas Corpus Act was abolished by the scrape of the pen of the king. And domestic despotism was allied with foreign treachery. The English crown was the slave of France for money—money doled out to prevent the meeting of an English parliament. The Tower was filled with gentlemen, and Newgate with commonalty, who had displeased the Duke of York or attracted the attention of the professional perjurers. Scotland was in sullen and desultory rebellion, from one Protestant reformed church persecuting another with tortures only worthy of Diocletian. The then desolate region called Ireland was lavishing a tropical fertility of the earth in wild shrubs and weeds, while the few impoverished traders who yet inhabited its ruined towns were plundered to swell the revenues of Dublin Castle, that the charges of court tradesmen, and of the complying husbands of courtesans, might be paid "on the Irish Establishment." It seems scarcely possible, after his previous experience of Irish affairs, and after his removal from the Viceroyalty for refusing to sanction Ranelagh's accounts, that Essex should have had much hope of improving matters in that kingdom. His letters, published nine years before, betray the struggles of a conscientious ruler amidst a multitude of petty and distressing difficulties. One day he tells his brother of a turbulent alderman of Dublin who, *more Hibernico*, had elected himself and disallowed the others; another letter relates how a mob of Irish recruits had assembled to go to France, and,

Relations of the Government with France.

State of Scotland and Ireland.

as the French ships were not ready, made war on the people of Kerry; another, how the Duke of Ormonde had outwitted him, and made his own parson Dean of Limerick; another, how two of his supporters, Lords Meath and Ardee, are drowned "in a yatch," going over to Chester; another, how a French privateer had fought and taken a Spanish ship in Dublin bay, and, though the customs of Dublin were £30,000 per annum to his Majesty, they had not even "a little frigate of twenty-five guns" to protect them.

Essex's Letters from Ireland.

In some of his letters thence, the assertions would have sounded strange at any period since his time—as, for instance, that "this is the quietest part of his Majesty's dominions;" while the contents of others are still true to the letter—for example, that the Corporation of London were acting dishonestly by both the Crown and their tenants, and encouraging "the Tories (*i. e.* robbers) in their district."

The entire spirit of his letters, however, seems to exhibit, even in such lawless times, and under so great difficulties, a disposition to merciful administration. He declares himself unwilling to take remedies beyond the law, "which course hath been usual hitherto in this kingdom," and does not despair tokeep the country quiet by civil restraint.*

Sir William Temple rather plainly insinuates that profit had something to do with Essex's desire to return as Viceroy to Ireland. Certainly neither love nor ambition could have been the cause; and in that series of letters which display his only knowledge of the country, or reasons for desiring to resume his residence in it, there are acknowledgments made to Danby for services with Charles in pecuniary assistance, which the king had rendered, or promised to render, that little consort with Essex's conduct when the patriots had agreed to ruin the Lord Treasurer. "From my Lord Conway," he says to Danby, "I understand that your lordship has been pleased to move his Majesty to grant me a sum of money for the purchase of Essex house, and that his Majesty

* Essex's Correspondence from Ireland shows that some curious commissions were intrusted him by his friends in England to execute. "I have spoken," he says, in writing to Lord Conway, "to my Lord Colooney for a goshawk, who tells me he hath three airies, and, therefore, I suppose I shall not fail of one as soon as they are ready to be taken."—*Essex's Letters*, 273.

CHAP. IV.

has consented to it. Your Lordship has therein laid a perpetual obligation upon me; the thing being not only valuable in itself, but of twice its worth to me, in regard of the convenience it will be to my family, and it gratifying my humour more than another matter of double the value. I have been acquainted with all his Majesty's great ministers since his happy restoration. Some of them had personal obligations to have done me a kindness; but this I can say, that none of them, till your Lordship, have ever endeavoured to be instrumental in one of this sort (*i. e.* money); and, therefore, your Lordship may easily judge at what price I shall rate this your Lordship's favour."*

Essex's obligations to Danby.

The price at which he rated the favour of Danby was visible on the latter's impeachment, when the most hostile and persevering of his enemies was Essex.

It was, therefore, the refusal of Ireland, and not the loss of the Treasury, which Essex resented. He had been long accustomed to speak disparagingly of the Treasury altogether, and to express his contempt for the office, and his anxiety to resign.†

His contempt for the Treasury.

But the dismissal from the Council was the final blow. If political and historical speculators had not long ago given up the subject of the character of Charles II., as seen from their point of view, it might be worth inquiring for what reasons so strange a triumvirate as Essex, Sunderland, and Temple had their *congé* together. But the Duke had returned to Britain; and all who were likely, however friendly to his claims, to stand in the way of his fanatic course, must be

* Essex's Letters, 340.

† 11th Nov. "I went with Sir Harry Capel to Mr. Montague; on the way he told me how everything had passed that same day at the Council; I find him extremely unsatisfied at the king's proceedings; he tells me they will again attempt it. When I came back, Lord Sunderland told me how I must set him right with the Prince; I am to tell him the whole story, and how all that hath been done could not be avoided; he can't say but that the King may at some time take measures with France, but never to the prejudice of the Prince and the Low Countries; Lord Essex told him of his resolution to quit. He went to persuade Lord Halifax to accept, but he refused."—*Sidney's Diary*, vol. i. p. 184.

15th Nov. "I met my Lord of Essex in the King's bed-chamber, and went with him to the Treasury. I found him apt to laugh and despise the Treasury; I spoke for money for the robes; they said I should have an assignment before Christmas, and ready money after."—*Ibid.* p. 186.

16th Nov. "In the evening, my Lord of Essex told the King of his intentions to quit. He said little to him, but was horribly vexed. Sir Stephen Fox kissed the King's hand. I was with Sir W. Temple: he told me he intended to quit, when he spoke of proroguing the parliament, and going into France. We talked of the Prince and the Duke of Monmouth being of a party. He said how strong they would be."—*Ibid.* p. 190.

compelled to give way.* Sir William Temple's astonishment reads quite touchingly, at the company in which he finds himself.

The character of the mind of Essex now began to display itself. His ambition—at best a poor one—to be the Lord Lieutenant of Ireland—then, as now, an office so ministerial as to be politically menial—led him, in all probability to accept the offer which Shaftesbury made him to "join with him, and he should be viceroy." The country as well as the Court was in a ferment. Monmouth had returned, without leave, from Holland, and was making royal progresses through the kingdom; while James, Duke of York, had gone down to Scotland to give the aid of his genius in that work of torture which Lauderdale was well qualified to perform without assistance. Shaftesbury had, in the meantime, presented James as a Papist at Westminster Hall; and the scabbard had been thrown away by the party that opposed the Court. In the midst of this, the courage of Charles became the subject of general astonishment. He appeared to have become that with the want of which he reproached Jeffries—"parliament-proof." He determined to appeal from the House of Commons to the people, and published accordingly, his Declaration of the reasons which led him to dissolve the two last parliaments.† This Declaration, though answered in an able pamphlet by Sir William Jones and others, elicited addresses of thanks from the late "abhorrers," and drove Shaftesbury forward in his designs. The Court, however, was prepared for any course which he chose to attempt, and took the determination to bring him to trial for high treason. This ill-advised step resulted in failure, and the usual consequence of redoubled sedition followed.

State of public affairs.

Resistance of Charles.

Prosecution of Shaftesbury.

In the meantime, the conduct of James in Scotland was of

Conduct of James in Scotland.

* "How I came," he says, "to be joined with these two lords, by the king's ordering our names to be struck out of the council-book at the same time. I neither know, nor could ever give any reason, unless it were, what was commonly guessed, of my being a friend of the Prince of Orange, or of my Lord Sunderland, with whom I had a very long acquaintance, and of our families, as well as personal. For the first, I could think it no crime, considering how little that prince had ever meddled, at least to my knowledge, in any domestic concerns of his Majesty, during all that passed since the first heats in Parliament here, though he had been extreme sensible of the consequences they were like to have upon all his interests and nearest concerns at home."—*Temple's Memoirs*, ii. 543.

† See Appendix.

CHAP. IV.

a nature that compelled him, even in his old age and well-earned exile, to apologize for it and explain it away;* and the state of public affairs was such, that Essex and his associates may be reasonably supposed to have mixed their personal ambition with a considerable amount of patriotic principle. The dissenters were prosecuted with an insane fervour scarcely to be supposed to exist contemporaneously with the fear of Popery; and the great palladium of the London churchmen of that day, "Hickes's Hall," was invoked to protect the Establishment from conventicles. The justices of Hickes's Hall answered to the demand, and ordered the presentation of the "preachers and most considerable frequenters" of dissenting places of worship. But their worships were not successful. Their officers (probably being infected with dissent) neglected their duty; and the worthy magistrates were compelled, as a last resource, to ask the Bishop of London to "excommunicate" the non-conformists in a body,† adding—what the dissenters probably feared more—the threat of exacting "twelve pence per Sunday," under the 1st Eliz. and 2 Jac. I., from "such persons who repair not to divine service and sermons at their parish, or some other publick church." The magistrates of Middlesex also addressed the Crown against the project of a Protestant association, a plan of which had been found amongst the papers of Lord Shaftesbury; and the honourable Society of the Middle Temple, with their accustomed independence and loyalty, informed the King that they, "from their souls, utterly detested and abhorred" that and all other associations; giving it, as their opinion, that it was "most gross and apparent treason," and even worse than "the old hypocriticall Solemn League and Covenant." The City of London followed this learned body in its style of fulsome address, and had the picture of James repainted, which some Protestant apprentice had cut up in the Guildhall. So high had the spirit of party run on both sides, that the assassination of Mr. Thynne by Count Coningsmark was alleged by the Whigs to have been only done on account of his attachment to their party

Prosecution of dissenters.

* Clarke's Life of James II.

† Order of Sessions at Hickes's Hall, Hilary Term, 1681.

and his great regard for Shaftesbury and Monmouth, of whom Dryden described him as

CHAP. IV.

"The wealthy western friend."

In this condition of feeling against the Whigs, James returned from Scotland, and, landing at Yarmouth, was addressed by a multitude of towns, amongst which Bristol was conspicuous, as "abhorring all covenants and associations," and, of course, by several learned bodies, including the University of Cambridge, whose address assumed, however, what did not exactly prove correct, that James "would ever stand by the Church of England as by law established." The City of London also entertained James at Merchant Taylors' Hall; and all appearance of opposition to his succession appeared to die away. The hopes of the Jesuits were at their highest flow, and there was no bound to the joy of the Tories.

Return of James.

The Protestant party indeed attempted a counter-meeting, and appointed a thanksgiving at St. Michael's, Cornhill, to precede a dinner at Haberdashers' Hall; but this was put an end to by the Court—Charles declaring, by order in Council, that he alone had a right, by law, to appoint days of thanksgiving and fasts.* In the same *Gazette* appears a letter from seven of the Scottish Bishops, addressed to the Archbishop of Canterbury, giving James a very high character for his proceedings against the Presbyterians of Scotland, whereby, they naively say, they "have found their case much changed for the better."

The presence of James inflamed the violence of the party of the Court. The courts of law were the constant arena of the contest, which was rising daily to a greater height. Shaftesbury brought *scandalum magnatum* against a citizen who called him a traitor, and declined to proceed, because the venue was changed from London to Middlesex, while the Attorney-General prosecuted, by writ of *Homine replegiando*, Wilmore, who had been foreman of the jury that threw out the bill against Colledge, the Protestant joiner. The charge

* Order in Council, April 19th, 1682.

CHAP. IV.

against Wilmore was for kidnapping a boy and sending him to Jamaica, but the prosecution failed. The dependence of the Whigs on London juries was so great, that the Crown conceived the bold act of removing the courts of law from the city altogether; and with that view brought a *Quo Warranto* to repeal or resume the charter of London—suppressed such newspapers as existed—and directed the apprentices, on pain of imprisonment, not to presume to "burn the Pope," or make any similar demonstration on Queen Elizabeth's day.

Attack on the City charter.

Thus the Tory, or, more correctly, the Popish party, was completely triumphant. The obsequiousness of the cities had failed to save their charters, which followed the fate of that of London. All mode of address by constitutional means was at an end. There was neither safety of property, liberty of conscience, nor liberty of person. The health of the king was failing. He had indeed been in great danger during the autumn; and there is now little doubt that, had Charles died at the time of James's sudden return from Brussels, the accession of that prince would have been disputed by the sword, and what resulted in an ill-ascertained conspiracy would have taken the form of a civil war.

To oppose James's accession, it is now beyond doubt, that Shaftesbury had organized what might have been a formidable rebellion. Various delays intervened to prevent the execution of this project; and Shaftesbury, feeling that he went in daily danger, escaped to Holland, where he closed the fitful fever of his life. Those who had been of his party nevertheless remained together. The necessities of the time were desperate. The trial of Argyle alone—the deep duplicity and perjury of James on that occasion, and the equally cool deceit of Charles—proved to the Protestant party, that not their liberties only, but their lives were sought by the Court. Shaftesbury's friends accordingly kept together in the spirit of the Protestant Association. They held frequent meetings, to deliberate on the state of affairs, and no doubt contemplated an armed resistance. But there were held simultaneously other meetings of persons of a lower rank of life and of darker intentions. These people met at the residence of one West,

Death of Shaftesbury.

The inferior plot.

a man of profligate manners, and reputed an infidel. The chief of these was the most celebrated plotter of the time—one Ferguson, a Presbyterian minister. This man was at once rash and sagacious—always engaged in a dangerous plot, and always prepared with the mode of his personal escape from danger. With him were associated Rumbold, a maltster, at whose place it was proposed to assassinate the King. Rumsey, a colonel, formerly in the service of Cromwell, and who had served also in Portugal, Walcot, another officer, and Wildman, one of the "agitators" of the army of the Commonwealth. The project adopted by these conspirators was the assassination of Charles and James, on their return from Newmarket, at a place near Lea, in Essex, the property of Rumbold, from the name of which the affair got the title of the Rye-House Plot.

The title of plot is most improperly applied to this celebrated incident. There was no conspiracy of the higher parties other than to restrain the progress of Popery and take securities against the foreign tendencies of the Duke of York. But there had been much "talk," which tended in the direction of an armed resistance; and this talk was greatly supported by the odious slavery of the universities and the clergy, who flattered the Stuarts with an intensity only equalled by the alacrity with which they afterwards betrayed them. Shaftesbury, perhaps, had hoped to become another Cromwell; but

> "That fiery soul, in working out its way,
> Fretted the pigmy body into clay;"

and it is only fair to believe, that Lord Russell and Essex, and the other men of character and standing, acted only in pursuance of the principles to which they had devoted their lives.

Shaftesbury had induced Lord Russell to accompany him to a consultation at the house of one Sheppard, a wine merchant in the city, where also Essex attended, and where very dangerous talk was indulged in. Lady Rachel Russell, many years after, on the occasion of the descent of Monmouth,

CHAP. IV.

wrote to Dr. Fitzwilliam, as regards this talk, the following significant letter:—

Lady Rachel Russell's account.

"And now, Doctor, I take this late wild attempt to be a new project, not depending on, or being linked in the least to any former design, if there was then any real one, which I am satisfied was not, no more than (my own lord confessed) *talk*. And it is possible that talk going so far as to consider, if a remedy to supposed evils might be sought, how it could be formed?. But, as I was saying, if all this late attempt was entirely new, yet the suspicion my lord must have lain under would have been great; and some other circumstances, I must confess, would have made his part an hard one. So that, from the deceitfulness of the heart, or want of true sight in the directive faculty, what would have followed, God only knows. From the frailty of the will I should have feared but little evil; for he had so just a soul, so firm, so good, he could not warp from such principles that were so, unless misguided by his understanding, and that his own, not another's: for I dare say, as he could discern, he never went into anything considerable, upon the mere submission to any one's particular judgment. Now his own, I know, he could never have framed to have thought well of the late actings, and therefore most probably must have sat loose from them. But I am afraid his excellent heart, had he lived, would have been often pierced from the time his life was taken away to this. On the other hand, having, I trust, a reasonable ground of hope, he has found those mercies he died with a cheerful persuasion he should, there is no reason to mourn my loss, when that soul I loved so well lives in felicities, and shall do so to all eternity. This I know in reason should be my cure; but flesh and blood in this mixed state is such a slave to sense, the memory how I have lived, and how (as I think) I must ever do for the time to come, does so prevail and weaken my most Christian resolves, that I cannot act the part that mere philosophy, as you set down many instances, enabled many to an appearance of easiness; for I verily believe they had no more than me, but vainly affected it."*

* Letters of Rachel Lady Russell.

Essex was not possessed of the same prudence and caution that characterised Russell throughout this dangerous time. In this spirit he put trust in the infamous Lord Howard, whom he introduced to Lord Russell, and who was all the time in communication with the Court. The history of this introduction was related by the unfortunate Lord Russell to Bishop Burnet, after his sentence, and it will be seen that Lord Russell attributed the sad deed of Essex to remorse for this unfortunate introduction.

"As he (Lord Russell, says Burnet) was folding up the paper, he told me the story of Colonel Sydney's razor with as much cheerfulness as ever I saw in him. Then he fell a lamenting my Lord of Essex's misfortune, and said, a great part of it was on his account, which he gathered from a message he had sent to his father the night before, that he was more sorry for his son's condition than he was, and from the time in which he did it; and the reason of it he believed was, that the Earl of Essex had almost forced him to admit my Lord Howard to a meeting at his house. For when he saw the Lord Howard, Colonel Sydney, and Mr. Hampden coming in, he said to the Earl of Essex, who was come before, 'What have we to do with this rogue?' and would have gone out, but the Earl of Essex made him stay. Yet he said, having that mistrust, he said very little. And (to put all that belongs to this matter together) the night before his death he said to me, in my lady's hearing, that my Lord Howard, in many particulars, had sworn falsely, and done him wrong. But I did not reckon them up. He added, concerning the Earl of Essex, that the day before he, seeing his window open, looked towards it through the glass in the head of his staff, and saw him leave the window as soon as he appeared, and go into the room. So that he believed his condition gave the fatal crisis to his melancholy. He spoke often of him to me, and very largely, the day before his death; he said, he was the worthiest, the justest, the sincerest, and most concerned for the public of any man he ever knew. And he also told me, that my Lord of Essex was afterwards much troubled for admitting the Lord Howard to their meetings, and thought he would betray them; upon

Essex introduces Howard to Russell.

CHAP. IV.

which he answered, he had ventured upon the confidence the other had in him, for, added he, if you should betray me, every body would blame you, and not me; but if we should let such a man as my Lord Howard betray us, every body would blame us, as much as him."*

Nor was the actual injury of Howard's treachery all that Essex had to suffer, for upon its being rumoured that a plot was in existence, and that a peer was about to come in and disclose all that had taken place, though better informed persons knew that the Lord referred to was Lord Howard;† yet it would appear, that the Russell family, or at least Lady Rachel, was disposed to suspect Lord Essex of the treachery. In a note of Lady Russell, preserved in Lord John Russell's Life of his ancestor, her ladyship says:—

Suspicion of Essex by Lady Russell.

"There having run a story of a letter, without a name, writ to the King, promising a discovery against Lord Russell, which some said was Lord Huntingdon's, some Lord Essex's, Lord Howard and his wife being here on Sunday last, a lady (Lady Chaworth) coming in, whispered me in the ear, that here was the Lord that now they said had written the said letter to his Majesty. I whispered to her again, and asked her whether she would give me leave to tell him. She answered, 'Aye, if you will, when I am gone, without naming me.' After which, she and all the rest of the company being gone, except Lord Howard and his lady, who staid for their coach, I said to my lord and his wife 'My Lord, they say now that you are the person that writ the nameless letter to the King.' To which he replied, 'My Lord of Essex as much as I; and I, as much as my Lord of Essex. May my Lord Russell, and all innocent men, live till I accuse them!'" ‡

In the meantime, the cowardice of one Josiah Keeling, who had been admitted to the secrets of the inferior plotters, drove him to reveal all he was acquainted with, and something more. He accordingly, on the 12th of June, 1683, waited on Legge Lord Dartmouth, and stated that he was

* Bishop Burnet's Journal of the Death of William Lord Russell.

† Lord John Russell's Life of Lord Russell, ii. 28.

‡ "Ever since the first discovery of this plot, there have been discourses of a peer's coming in to discover the same, which now proves to be the Lord Howard."—*Narcissus Luttrell's Diary.*

acquainted with a plot against the life of the King. These were days in which such an intimation was certain of instant attention, and Legge carried Keeling to Sir Leoline Jenkins, who heard his narrative, and then informed him that his single testimony was not sufficient, and he must find another witness. Keeling accordingly arranged that he should draw some of the inferior plotters into conversation while his brother was concealed in the room; and, armed with this manufactured testimony, he again appeared at Court.

Revelation of the "Rye-house Plot."

The story of the two Keelings was, that fifty horsemen were to have intercepted the King and his brother at the Rye-house in Hertfordshire, the residence of Rumbold; that Charles's unexpected return from Newmarket overthrew the plan; that a general rebellion was then resolved upon, and that the chief men of the plot were Monmouth, Russell, Sidney, Essex, Hampden, Howard, Grey, Sir Thomas Armstrong, and Trenchard. The Keelings declared that money was being raised and men enrolled; adding, of course, the statement which the unanimous voice of posterity has branded as a lie, that Russell and Essex intended assassination.

Proclamations immediately appeared, offering rewards for the arrest of the inferior actors in this alleged scheme. Rumsey and West surrendered themselves, and, according to the custom of the period, made "disclosures," in which they consulted, of course, no other rule than their own safety. On the ground of these disclosures it was decided by the Government to charge with High Treason a number of the lesser plotters, in conjunction with several men of rank, amongst whom, Essex was one of the principal.

CHAPTER V.

FROM THE DISCOVERY OF THE RYE-HOUSE PLOT TO THE DEATH OF ESSEX.

The Rye-house Plot. Hopes of the Leaders. Arrest of Essex. Sir R. Sawyer's account of the Plot. Evidence of Rumsey. Evidence of Sheppard. And of Howard of Escrick. Temperament of Essex, and of Lady Essex. Insincere conduct of the Law Officers. Execution of Walcot, Hone, and Rouse. Walcot's Declaration. Rouse's Declaration. Holloway's Narrative. Armstrong's Declaration. Evidence of Murray of Philiphaugh. Arraignment of Lord Russell. Lord Howard's "emotion" at Essex's Death. Causes of the Death of Essex. Deposition of Bomeney. The "pen-knife" story. And that of "the spleen." Conversation of Lord Russell with Burnet. Theory that he was murdered. His abhorrence of suicide. His sending for cooking utensils. Rumour of his Death. Evidence of the two Children. Medical Evidence. Change of the Sentinels. Murder of Hawley and Meak. Conduct of James. Conduct of his widow. Lord John Russell's account. Burial of Essex.

CHAP. V.

The Rye-house Plot.

THE "Rye-house Plot" was one of those half-conspiracies that have been fatal only to those who project or join them. Sidney hoped for a Commonwealth, and Howard persuaded him that he also was of the same opinion. Russell was honest, but sadly devoid of administrative or any other genius. Essex was warped by ambition and incensed by disappointment, but still felt the great danger from that duplicity which made the Duke of York faithful to nothing but his favourite superstitions; and capable of no sincerity but towards the Church of Rome. Lord Grey was one of those men to be found in quiet as well as in stirring times—ever ready for any project that would disturb that society which had repudiated him, and the existence of which he would have overthrown as readily as he had violated its rules. He joined the patriots reeking from the odour of one of the most infamous causes that had been ever tried in Westminster Hall, and in which he appeared at once as a traitor and an adulterer, under circumstances of heinous aggravation. His connexion with the plot was suitable to his previous career.

He protested his loyalty at the Council when he was arrested, was committed to the Tower, made the officer on duty drunk, and, taking a boat in the Thames, made his way to Holland.

Lord Howard of Escrick, whose personal want of courage had been so apparent, that Hampden had advised him to abandon the project, vaunted, in all companies, his loyalty, till the King was heard to declare that, "he believed him innocent, for that his companions knew him to be too great a rogue to trust." But when the man West was arrested and confessed, Howard was panic-stricken—made an abject, and, in many particulars, a false confession, and was admitted as a witness against those that were recently his friends.

Hopes of the Leaders.

It was upon the evidence of Howard that arrests were made of Essex, Russell, and Algernon Sydney. Essex had heard of the intentions against him, as had also Lord Russell, but the arrest of the latter having preceded his, he was deaf to his wife's intreaties to fly; saying 'that he would remain at Cashiobury, lest his withdrawing himself might prejudice his friend, Lord Russell.' A party of men, however, shortly afterwards arrived with a Council warrant, and Essex was committed to the Tower on a charge of High Treason.*

Arrest of Essex.

What was charged against those concerned in the Rye-house Plot was, according to the speech of Sir Robert Sawyer, the Attorney-General, on the trial of Lord Russell, the following overt acts, viz.:—"That Lord Russell, the Duke of Monmouth, Lord Grey, Sir Thomas Armstong, and Mr. Ferguson, called 'The council of state,' were to give directions for a general rebellion throughout the kingdom: that this plot required persons of interest, prudence, and secrecy, to manage it: that these gentlemen had frequent meetings for the purpose; Lord Russell being mixed with the others, especially with Ferguson: that they had received several messages from Lord Shaftesbury, touching the general rising, and were looked upon and acknowledged, as the persons who were to conclude and settle the time, and all other circumstances attending it: that it seemed these gentlemen could not give

Sir R. Sawyer's account of the Plot.

* Ralph's History, i. 736.

CHAP. V.

the Earl of Shaftesbury satisfaction to his mind, having disappointed him on the day (the 17th of November) appointed for the rising, in consequence of an account that Mr. Trenchard, whom they depended on for a thousand foot, and two or three hundred horse, had failed them, which caused Lord Shaftesbury great displeasure, and led to his and Mr. Ferguson's going away:—that to carry on the practice, Sir T. Armstrong and Lord Grey were left out of the council, and a new one of six persons was formed, consisting of the Lord Russell, the Duke of Monmouth, Lord Howard, the Earl of Essex, Colonel Sydney, and Mr. Hampden:—that these six had frequent consults; they debated in what manner they should make the rising; and Colonel Sydney despatched Aaron Smith to invite Scotch commissioners to treat with these noble lords; in consequence of which several persons came from Scotland for the purpose, who at first demanded 30,000*l.*, then 10,000*l.*, and at last fell to 5000*l.*, which they said they would take, and run all hazards; but the council not coming to their terms, the agreement broke off the week the plot was discovered."

Evidence of Rumsey.

Colonel Rumsey was called to support this statement, and, on being desired by Jeffries to disclose all he knew of the different meetings, and the debates at those meetings, gave the following evidence:—That late in October, or early in November, he was at Lord Shaftesbury's lodgings, down by Wapping, where that Lord lay concealed, and was told by him there were met at one Mr. Sheppard's house, the Duke of Monmouth, Lord Russell, Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson; that Lord Shaftesbury desired him to go to, and speak to them respecting the rising at Taunton; that he went accordingly, and was conducted by Mr. Sheppard to the room, where they were assembled; that in answer Mr. Ferguson told him, Mr. Trenchard had failed them, and nothing more could be done at that time; that during the time he was in the house, some conversation took place respecting a declaration, and there was a proposal made to seize the guards at the Savoy and Mews; and the Duke of Monmouth, Lord Grey, and Sir T. Armstrong undertook to reconnoitre their position. The witness

then repeated, at the desire of Jeffries, the message of Lord Shaftesbury, and Ferguson's answer.

Attorney-General.—"Was the prisoner at the bar present at that debate?"

Colonel Rumsey.—"Yes."

Sergeant Jeffries.—"Did you find the prisoner averse or agreeing to it?"

Colonel Rumsey.—"Agreeing to it."

Evidence of Sheppard.

The witness Sheppard, at whose house the meetings had taken place, corroborated the statement of Rumsey, and was followed by the Arch-traitor Howard of Escrick.

And of Howard of Escrick.

The statement of Howard was to this effect:—That, at the time of the long dispute in the City about the election of sheriffs, he became acquainted with Captain Walcot, and introduced him to Lord Shaftesbury:—that Walcot soon obtained Shaftesbury's confidence:—that, being acquainted with many persons in the City, he entered into their consultations:—that Walcot told him that the City-people were sensible that all their interest was going on account of the state of public affairs:—that they were resolved to stop it, if possible:—that divers preparations were making, and that, for himself, he was determined to embark in it, and, for that purpose, would send his son to dispose of his stock on his establishment in Ireland, to furnish money for the undertaking:—that, soon after this, he (the witness) went to his estate in Essex:—that Captain Walcot and he carried on a correspondence in cant terms:—that Captain Walcot acquainted him all was going on well, and requested him to be in town about the middle of September:—that, being anxious to see the result of that great affair, the determination of the shrievalty, he came to town on Michaelmas-day:—that, on the day following, Captain Walcot dined with him, and told him, Lord Shaftesbury had withdrawn from his own house, and secreted himself:—that he desired much to see him, and had sent Captain Walcot to bring him to his place of concealment: that he accordingly went, with Captain Walcot, to one Watson's house, in Wood-street, where he saw Lord Shaftesbury, who told him, he considered himself, and all honest men, unsafe, while the administration was in the

CHAP. V.

hands of those who would accommodate all things to the Court:—that affairs were not ripe; and he did not doubt, with the assistance of those men he had in London, to be able to turn the tide that was ready to overflow:—that he complained of the unhandsome deportment of the Duke of Monmouth and Lord Russell, who had withdrawn from their engagements; for, when he had got every thing ready in London, they said they were not so in the country; which he looked on only as an excuse, and expressed his determination to begin the work alone; he had 10,000 brisk boys, who, he said, would follow him whenever he held up his finger:—that the plan was to seize the gates, and, when their numbers had sufficiently increased, to sally out and possess themselves of Whitehall by beating the guards:—that he was certain of the success of this plan; but lamented that these lords had failed him:—that he, Lord Howard, answered to this, that Lord S. was aware of his disposition, and the bent of his spirit; but he desired to converse with these lords, before he gave his assent to the plan:—that this, with much ado, Lord Shaftesbury at length consented to; and, the next day, he visited the Duke of Monmouth, and told him the complaint Lord Shaftesbury made against him, concealing the truth that he had been with him, but pretending to have heard it from a third person. The Duke answered, he thought Lord Shaftesbury was mad; he and Lord Russell had not given him any encouragement, and had told him it was impossible to do any thing in the country at that time. He then asked the Duke, if he was willing to meet Lord Shaftesbury; to which the Duke replied, he was, "with all his heart." This conversation was, on the Wednesday following, related by him to Lord Shaftesbury, who denied the truth of the Duke's assertion, and said, he suspected some artificial bargain between him and his father to save one another. He said, that several honest men, in the City, had asked him how the Duke of Monmouth lived; which question he could not answer, as he knew he was dependent upon the King. He thought the Duke had no other design but personal interest; whilst his, and his people's wish, was for a Commonwealth:—that he saw no good could result from

an interview; it would but widen the breach; and he was afraid to trust him:—that Lord Shaftesbury then said, his friends had gone too far to recede:—that, in addition to the 10,000 men, they would have 1000 or 1500 horse, that were to be drawn insensibly into town; he enlarged greatly on the means they possessed, and other heads. To this he (Lord Howard) answered, nothing would satisfy him but a meeting between Lord Shaftesbury and the Lords; which, however, Shaftesbury would not consent to, but told him he might inform them of the state of forwardness he was in; and if they did themselves right they would put themselves in a correspondent action, where their interest most lay. Lord Howard then went to the Duke of Monmouth, who was alone, and expressed to him his fears that the rashness of Shaftesbury would be the ruin of them all; and again requested the Duke to meet Lord Shaftesbury; to which the Duke replied, he desired nothing so much as to see him. He then returned to Lord Shaftesbury; and, by threatening to break off all correspondence with him, at last got his consent to an interview, which was to take place on the Sunday following at his own house:—that, in the morning, a note was left there by Colonel Rumsey, stating, the meeting could not be that day:—that Captain Walcot came, a few days afterwards, to Lord Howard, and told him Lord Shaftesbury had withdrawn, but did not doubt that they should hear from him soon; and that there would be a rising in about eight or ten days. This intelligence he communicated to the Duke of Monmouth; and the consequence was, that Lord Russell (so he was told) forced his way to Lord Shaftesbury, and persuaded him to put off the day of his rendezvous, which he consented to, on condition that they would be in readiness to raise the country about that day fortnight:—that the Duke of Monmouth observed, that, though they had now put it off, they must not be idle; for it would be impossible to hold off any longer:—that he had been at Wapping, and never saw brisker fellows:—that he had been round the Tower, and believed it easy to possess themselves of it; and added, that he had spoken to Mr. Trenchard to take particular care of Somersetshire; but that Mr. Trenchard turned so pale, he thought

CHAP. V.

he would have fainted. The next day, the Duke of Monmouth said the rising was impossible; for he could not get the gentlemen of the country to stir yet:—that, after this was put off, Captain Walcot came several times, and discoursed of it:—that, about the 17th or 18th October, said they were positively determined to rise, and that a smart party might, perhaps, meet with some great men. This he (Lord Howard) told the Duke of Monmouth, adding, he thought, from the intimation there would be some attempt to kill the King:—that the Duke replied, "God-so! kill the King! I will never suffer that!" They then went in search of Sir Thomas Armstrong, and sent him up and down the City to put off the rising:—that this was done with success:—that, afterwards, being at dinner together, on the day the King came from Newmarket, from some insinuations that were made, great anxiety prevailed for his safety, until he arrived in town:—that Sir T. Armstrong, not being with them at dinner, was supposed to be of the party:—that the rising was then determined to take place on the 17th November, the anniversary of Queen Elizabeth; but a proclamation, forbidding public bonfires, without leave of the Lord Mayor, made an impression on their minds that their scheme was discovered, and they were again disappointed:—that Lord Shaftesbury being told this, took shipping, and got away, and had not been heard of by him until he was told of his death:—that after this they lay under the dread and apprehension of discovery, from having gone so far, and thought they had entrusted so many, that it was unsafe to retreat. They also considered that it was necessary to have some general council, to manage so intricate an affair: they resolved, therefore, to form a little cabal, to consist of six persons, which were, the Duke of Monmouth, Lord Essex, Lord Russell, Algernon Sydney, Hampden, and himself:—that they met in the middle of January, at the house of Mr. Hampden, where it was debated which was the most proper place to commence the insurrection, whether in town or in the country; as also a proposition of the Duke of Monmouth, for having a common Bank of 25, or 30,000*l.* to answer any occasion; but the most material was, how they might draw

Scotland in, to co-operate with them, as they thought it necessary that all the diversion possible should be made:— that the same persons had a meeting, about ten days afterwards, at Lord Russell's; when they came to a resolution to send messengers to Lord Argyle, and others, into Scotland, to invite persons hither who were judged most able to understand the state of Scotland, and give an account of it. The persons agreed on were Sir John Cochrane, Lord Melville, and Sir Hugh Campbell.* CHAP. V.

Such was the narrative on which the Crown so far depended as to make it the subject of a prosecution involving the lives of the first men of the nation, both in rank and in English feeling.

Temperament of Essex.

Essex, when he appeared before the Council, had betrayed considerable nervousness, and was seized with a great depression of spirits. This, according to Bishop Burnet, so preyed upon him that he wrote and sent a message to his wife, stating that he was guilty of all that was alleged against him, and that he begged her forgiveness, and that of his children, for the position in which his imprudence had placed them. To this the same authority adds, that Lady Essex replied, entreating him to consult his own honour, rather than her and her children's welfare; and urging him to keep a good courage. Essex was described as a man given to fits of mental depression, or, as it then was termed, the spleen; but there is, otherwise, no reason to believe that he had any predisposition to commit the act of suicide, if, indeed, there is any truth in the theory that he died by his own hand.

And of Lady Essex.

His lady would seem to have been of a desponding tone of mind. One of the most beautiful of the compositions of Sir William Temple (that *Against Excess of Grief*) was sent to her on the death of her only daughter, about eight years before the arrest of Essex, and, from its tone, would seem to be addressed to one who was indulging an inordinate sorrow.†

* State Trials. Trial of Lord Russell.

† "I was in hopes," he says, "that what was so violent could not be so long: but when I observed it to be stronger with age, and increase like a stream, the farther it ran; when I saw it draw out to such unhappy consequences, and threaten no less than your child, your health, and your life, I could no longer forbear this endeavour, nor end it without begging of your Ladyship, for God's sake, and for your own, for your children and for

CHAP. V.

It will scarcely now be denied that the view of the alleged plot given by the Crown was an adroit and malicious confusion of two classes of men and two several adventures and attempts. Armed resistance was interpreted to mean assassination, and assassination was charged against all who held any language other than that of the clergy and the Court.

Insincere conduct of the law officers.

The law-officers of the Crown, both in England and in Scotland, endeavoured to prejudice the cases of the men of rank by trying first those indigent and profligate persons who had in all probability contemplated the "taking off," as they phrased it, of the King and Duke. Accordingly, after the arrest of Essex, and before the trial of Russell, those who were charged as inferior actors, Walcot, Hone, and Rouse, were brought to the block. The Court expected from those men confessions that might implicate Essex, Russell, and Sydney; but in this they were signally disappointed. Walcot laid the entire guilt of the plot on Rumsey and West, the lawyer, and declared only to having ever personally seen, of persons of quality, Monmouth and Howard. He does not for a moment declare that either Russell, or Essex, or Sydney contemplated assassination. Walcot was a man of some position amongst the recent colonists of the province of Ulster, in the county of Tyrone, in Ireland, and had adopted there the same style of political feeling which led in the next reign the people of that province to make their famous stand at Londonderry against the Roman Catholic religion and the House of Stuart. On coming to his execution, he gave this account of the plot:

Execution of Walcot, Hone, and Rouse.

Walcot's declaration.

"As to the present occasion of my death, I do neither blame the judges, nor the jury, nor the King's counsel. I only blame some men that in reality and in truth were deeper concerned, and more engaged than I, that came in as witnesses against me; who swore me out of my life to save

your friends, for your country's and your family's, that you would no longer abandon yourself to disconsolate passion, but that you would at length awaken your piety, give way to your prudence, or, at least, rouse up the invincible spirit of the Percies, that never yet shrunk at any disaster; that you would sometimes remember the great honours and fortunes of your family, not always the losses; cherish those views of good humour that are sometimes so natural to you, and sear up those of ill that would make you so unnatural to your children and to yourself; but, above all, that you would enter upon the cares of your health and your life, for your friends' sake at least, if not for your own."—*Sir William Temple's Works*, vol. iii. 502.

their own, and who for fear they should not do it effectually, contrived that, that I will appeal to you all, whether there be a probability in it or not: for they said, I made it a scruple of conscience to have a hand in killing the King, or to imbrue my hands in his blood, but was so generous as to undertake the charging his guards, whilst others did it, and to the end another might do it. Truly I will appeal to all that know me, whether they believe me so much an idiot, that I should not understand it was the same thing to engage the King's guards, whilst another killed him, as to kill him with my own hands. But, however, by their swearing against me, they have secured their own lives and estates, and made my blood the price of theirs. I confess I was so unfortunate and unhappy as to be invited by Colonel Rumsey (one of the witnesses against me) to some meetings, where some things were discoursed of, in order to the asserting our liberties and properties, which we looked upon to be violated and invaded. But it was he, and Mr. West, and some gentlemen that are fled, who were the great promoters of those meetings. I was near a quarter of a year ill of the gout, and during that time Mr. West often visited me, and still his discourse would be concerning 'lopping the two sparks.' That was the word he used, meaning the King and the Duke, and proposed it might be done at a play. This was his frequent discourse: for he said, 'Then they would die in their calling.' It was his very expression. He bought arms to do it with, without any direction of mine. I never saw the arms, nor I never saw the men that were to do it, though they said they had fifty employed to that end. I told several of them, that the killing the King would carry such a blemish and stain with it as would descend to posterity; that I had eight children, that I was loth should be blemished with it: and, withal, I was confident the Duke of Monmouth would revenge his father's blood, if it were but to vindicate himself from having any hand in it.

"And now I desire to forgive all the world from the very bottom of my heart; and I pray God of his mercy from my heart to forgive them, even Mr. Shepherd, who delivered me up, who promised to carry me into Holland; but in-

CHAP. V.

stead of that, he brought me into the condition wherein I now am."*

Hone seems to have been a man whose weakness approached idiocy. He also omitted all mention of Essex, Russell, or Sydney, and made the rather strange assertion for a Protestant champion, that he personally wished to save the Duke of York and kill the King.

Rouse's declaration.

Rouse, in the same way, knew little of his own knowledge, and entirely acquitted the eminent men who were charged, but accused Howard, Rumsey, and West of being the chief conspirators, and having incited to all the treasonable acts that were committed.

Holloway's narrative.

Holloway, on the other hand, gave something like a detailed narrative of the assassination conspiracy, as it was proposed by West, but still, though past all hopes of pardon, utterly denied any intention to assassinate the King. After detailing some preliminary proceedings, in his confession he says,

"Then we went to Mr. West, and discoursed him fully about the contents of his letters, who told us, they were resolved to kill the King and Duke, as they came from Newmarket; in order to which, he had provided arms for fifty men, pistols, carbines, and blunderbusses; and that they were promised the house of one Rumbold, a maltster, which lay in the road, and the King must come by his door, there the men should have been lodged. Then we asked, who was to have acted it, to which he could give but a slender answer, and could or would name but two men, who were Rumbold and his brother, saying, if they could have raised six or eight hundred pounds to have bought horses, and something to encourage men, they should have had men enough; so that we found they had few men, if more than two, and no horses, only a parcel of arms; which afterwards he showed us at a gunsmith's house, in a little lane near Temple Bar. Then we asked him what they designed, if it had taken effect. To which he answered, that the men should have come up with all speed to London, and dispersed themselves immediately, declaring for the Duke of Monmouth, and that, the King

* The Dying Speech of Captain Walcot, on Friday, 20th July, 1683.

and Duke being dead, no opposition could be made. Then we asked who were for this design. He named Colonel Rumsey and Richard Goodenough, and, as far as I can remember, no more. So we found it was carried on by them, contrary to the knowledge or approbation of those who managed the general design. Then we declared our great dislike of it, telling him it was a base, dishonourable, and cowardly action, and would seem odious to all the world, that any pretending themselves Protestants, should be concerned in such a bloody action; and that we thought it was his cowardice put him upon it, to which he said, that he could not fight, but would be as forward with his money as any one of his capacity. At this meeting, Rumsey and West would be often saying, there was nothing like the lopping business, meaning the taking off the King and Duke; and that it might be easily done, as they went to or from the play-house; but I never heard any agree with them in it. Rumsey was still upon the old strain of killing the King and the Duke, saying, at this the last meeting I was at, going for Bristol next morning, that it might be done in Windsor Park, and that he would undertake it; but not except every one there present would go with him, to which not one consented."* CHAP. V.

Armstrong made the same, and even a more energetic declaration of complete innocence of the assassination project; and Baillie of Jerviswood, and others that suffered in Scotland, acquitted, with their dying breath, all the parties of intending such a crime. Armstrong's declaration.

With respect, however, to the other part of the plot—that of a general rebellion—the evidence is by no means so conclusive. Hampden, when examined before a Committee of the House of Lords in 1689, adhered to the plea of guilty he had pleaded as to the intended rising in 1683, and said that those who thought Lord Russell murdered, could scarcely blame that project; and he adds the very significant assertion, that he thinks the coming in of King William was "only a continuation of the Council of Six," mentioned by Howard

* Holloway's Dying Speech, 1683.

CHAP. V.

in the evidence he gave on the trial of Lord Russell. On this trial, amongst the few portions of truth that were sworn was the assertion, that Sydney and the others had sent a messenger into Scotland, to agree with the Scotch as to an insurrection. The proceedings of this messenger in Scotland were afterwards detailed by Murray of Philiphaugh, the witness for the Crown on the trial of Campbell of Cesnock, Rowallan, Baillie of Jerviswood, Crawford, Fairlie, Munro, Carstairs, Hepburn, and Spence:—

Evidence of Murray of Philiphaugh.

"All the company seemed to agree, that they should undertake nothing, or move in that affair, till they had a full and certain account what England proposed, what methods they resolved to follow there, who were to be their heads; and that, if they designed any attempt on the King's person, or overturning monarchy, they would not be forward or clear to join. And it being here insinuated, that the most they could do, at least for which there could be any plausible pretence, was to draw together, and, without any act of hostility, send addresses to his Majesty for redress of the present abuses of the government, and for obtaining sufficient security against the hazard they apprehended to their religion and liberties; it was said by Polwart, that he was apt to think that was their very design; for he had heard it was generally believed by that party in England, that if once they were in a body, the King would be prevailed with to quite (*i. e.* leave off his practices), the Duke to be tried for Popery, correspondence with France, and accession to the Popish plot; and then, if the King were once free from the influence of the Duke's counsels, they were confident he might be moved to reform their abuses, and secure their religion and liberties for the future to their contentment."

Nothing could be much more clear than that this evidence shows an intention to make an alteration of the government by force; and that intention, from the very sending of the messenger, must have been known to the conspirators in London. Lord Russell, therefore, as well as his associates, Essex, Sydney, and the others, is entitled to higher praise than is accorded him by his noble descendant and biographer. Those men intended not mere "talk" only, but a rebellion—

not all, perhaps, in a similar mode—but, at all events, a violent alteration of the course of affairs; and if, as was true, Lord Russell told Burnet that all "was embryos," it was an admission, at least, that "embryos" existed, and that the rebellion had been intended, but not matured as to the means or plan.

Such, then, was the project, of which, by the treachery of Howard, the Crown had been for some time in possession, and for adherence to which Lord Essex, Lord Russell, and Algernon Sydney had been arrested. The trial, to which we have referred, had already taken place; and the government had, in their own opinion, done sufficient to create the stigma of assassination on those who were now about to be brought to the bar, when, on the 13th of July, 1683, William Lord Russell was arraigned at the Old Bailey of high treason, in "conspiring the death of the King, and consulting and agreeing to stir up insurrection; and to that end to seize the guards for the preservation of his Majesty's person."

Arraignment of Lord Russell.

On this trial Howard of Escrick was, as we have seen, the principal witness; and it was while giving his false evidence that that ineffable traitor, intentionally lowering his voice, the following piece of bloody drama ensued:—

Lord Howard's "emotion" at Essex's death.

One of the Jury.—"We cannot hear you, my lord."

Lord Howard.—"There is an unhappy accident happened, which hath sunk my voice: I was but just now acquainted with the fate of my Lord of Essex."*

The "unhappy accident" was the death of Essex, who had been found that morning, in his apartment in the Tower, quite dead, with his throat cut in a shocking manner.

Causes of the death of Essex.

To come to anything like an absolute decision as to the cause of the death of the Earl of Essex is now, perhaps, impossible; nevertheless, a careful examination of the evidence on both sides will go far to shake the belief of any one who may adopt the theory of suicide. Perhaps the case of those who say that he committed self-murder is best stated in the evidence given by his French servant, Beaumanais

* *Howell's State Trials.—Trial of Lord Russell.*—Lord John Russell says very happily of this, that Howard, "having thus shown his sensibility at the death of one of his victims, proceeded to take away the life of another."

CHAP. V.

(spelled at the time, Bomeney), and who was the person suspected at the time of having been guilty of his master's murder. The evidence of Bomeney is to this effect:—that,

Deposition of Bomeney.

"When my Lord of Essex came to the Tower, which was the eleventh of July, he asked him (Bomeney) for a pen-knife to pare his nails, as he was wont to do; to which Bomeney answered, Being come in haste, he had not brought it, but he would send for one; and accordingly sent the footman with a note for several things for my lord, amongst which the pen-knife was inserted; and the footman went, and gave the bill to my lord's steward, who sent the provisions, but not the pen-knife; and told the footman he would get one next day.* Accordingly, on the 12th, in the morning, before my lord was up, Bomeney sent the footman home with a note to the steward, in which, amongst other things, he asked for a pen-knife for my lord. When the footman was gone, about, or a little after eight o'clock, my lord sent Mr. Russell, his warder, to Bomeney, who came, and then he asked him, 'If the pen-knife was come?'† Bomeney said, 'No, my lord; but I shall have it by and by:' to which my lord said, 'That he should bring him one of his razors, it would do as well:' And then Bomeney went and fetched one, and gave it my lord, who began to pare his nails; and then Bomeney went out of the room into the passage by the door, on Friday the 13th, and began to talk with the warder, and a little while after he went down stairs; and soon after came the footman with the provisions, and brought also a pen-knife, which Bomeney put upon his bed, and thought my lord had no more need of it; because he thought he had pared his nails; and then Bomeney came up to my lord's chamber, about eight or nine in the forenoon of Friday the 13th, with a little note from the steward; but not finding his lord in the chamber, went to the close-stool closet-door, and found it shut; and he, thinking his lord was busy there, went down and staid a little and came up again, thinking his lord had been come out of the closet, and finding him not in the chamber, he knocked at the

* Neither footman nor steward was produced in evidence at the inquest, nor any "note."

† Russell spoke nothing as to the 12th of July, but only the 13th.

door with his finger thrice, and said, 'My lord?' But nobody answering, he took up the hanging, and looking through the chink, he saw blood, and a part of the razor; whereupon he called the warder, Russell, and went down to call for help; and the said Russell pushed the door open, and there they saw my Lord of Essex all along the floor, without a peruke, and all full of blood, and the razor by him."

The "pen-knife" story

The evidence of Thomas Russell, the marshal, is much to the same effect, but that he says nothing of a "pen-knife," except as relates to the thirteenth of July, and makes no reference to the eleventh of that month. It certainly requires a strong effort of imagination to suppose that Lord Essex, contemplating suicide, asked his valet so often to procure him a "pen-knife," when he had in his possession, as appeared on the inquest, "a little French razor, four inches long," and that the valet of a nobleman of the highest rank, and who had been Prime Minister, confined in the Tower for a political offence, could not obtain for his master a pen-knife to "pare his nails" without a delay of three days, two messages to Cashiobury, and at least one act of negligence by his lordship's steward, who is alleged to have neglected his request, and who, by the way, was not called to corroborate Bomeney at the inquest.

And that of the "spleen."

The theory of Lord Essex's suicide is supported by this evidence, and by hearsay statements that he was given to the spleen, had defended suicide, and applauded the conduct of Lord Northumberland, his wife's grandfather, who had destroyed himself when committed to the Tower. But what practising lawyer ever existed who is not familiar with such *ex post facto* facts, and carefully fished-up coincidences? There is neither time nor date given to any of these allegations, and no actual conversation set out. When we look at the opposite side of the question, we shall find that Essex was a most unlikely man to "play the Roman fool;" and if the absence of motives to his destruction is alleged in favour of the Government party, the doctrine of motives has long been known in evidence as one of the "idols of the mob." If men, ere now, have committed suicide from a sentiment, others have committed murder for a word; and the argument

CHAP. V.

from motive, therefore, may be safely left by all ethical philosophers, to the advocates of the criminal bar, and the jurors whom arguments such as theirs can sway.

A more important view of the suicide theory, is that taken from the conversation of Lord Russell with Burnet; and as in this conversation the Bishop has no personal aggrandizement to achieve, except the honour of attending Lord Russell, we may assume it to be correct. It amounts to this,—that Essex and Russell being both prisoners in the Tower, and the window of Essex's apartments being within eye-shot of the window of those of Russell, Russell advanced to his window, looked at Essex through "the glass in the head of his staff," and Essex immediately retreated into his room. This incident Russell thought, and Lord John Russell is superstitiously certain, was because Essex had introduced Russell to Lord Howard of Escrick, who was, be it noted, Russell's own relative, and of whose introduction no complaint was made at the time. It is true that Lord Russell declared, as we have seen, that, on seeing Howard come into his house with Sydney, he exclaimed, "What have we to do with that rogue?" but his transactions subsequently with "that rogue" were very important, and, in the result, fatal; for Lord Russell did not consider the character of the person with whom he was about to join; and, in his justification, it may be said that Howard had never before had the same opportunity of displaying his treachery in so great a field, nor was ever before so trusted by men of character.

Conversation of Lord Russell with Burnet.

If we consider carefully the letters of Essex from Ireland; his proceedings in the two suddenly dissolved parliaments; his positive protest against a standing army; and his anxiety to vindicate popular rights, even when he was minister, we shall find that, to certain minds of the Court of that period, he must have seemed a "dangerous man to live,"* especially as being the veritable depository of the secrets of the Court.

But the theory that the Earl of Essex did not commit suicide, rests upon grounds well worthy of consideration, and

Theory that he was murdered.

* The description (in Charles II.'s letter from Windsor) of Sir Harry Vane.

CHAP. V.

grounds which ought to be weighed with all that care that is demanded when the judgment is to be exercised in favour of charity. In the first place, Lord Essex was a very grave and austere man, and at no time talked lightly of any crime; a man of the most regular temperament, and never driven to excesses of passion on any side. His judgment was admired for coolness by all who came in contact with him. In the second place, it was admitted that those who were said to have heard him speak of the courage of the Earl of Northumberland in destroying himself in prison, denied having, at any time, heard him use such language, and declared that they could not believe that it was true that he had ever used it. Lady Essex stated that, when the occasion arose, he had always spoken with great abhorrence of suicide, and alleged that no circumstances could extenuate the guilt of that crime, that, in fact, it was "an unnatural, wicked act."

His abhorrence of suicide.

What was more important to the legal view of the subject, was the fact that, on the very day before his death, the Earl had directed his servants to bring from the country some cooking utensils of silver, and had ordered of his wine merchant a supply of wines. He had also told his steward to attend the trial of Lord Russell, take short-hand notes, and let him know the amount of the evidence adduced against his lordship.

His sending for cooking utensils.

An allegation which now must necessarily be covered by the mists of history, is, that the death of Essex was talked of at great distances from London before it happened. It was alleged that it was spoken of two days before at Andover, in Hants; on the previous day at Warminster, in Wilts; and, on the day of his death, at Frome, in Somerset, nearly one hundred miles from London, an incident, in those days, impossible without previous information.

Rumours of his death.

The chief points of evidence arise, however, out of matter of inference too strong to be softened. A girl called Jane Lodeman, aged thirteen, and a boy named William Edwards, of about the same age, being in the Tower on the morning of the death of Essex, declared that they saw a bloody razor thrown out of his chamber window, and as the boy Edwards ran to take it up, "a short woman in a white hood" came

Evidence of the two children.

CHAP. V.

out of the house of Captain Hawley, where the Earl was confined, and, snatching from him the razor, carried it into the house. Immediately after there arose the cry of "murder!" On this point Jeffries and Hawley did more for the opposite side than any direct testimony could have accomplished, for they contended that nothing could have been thrown out of the "closet" window in sight of the children, though the children themselves declared that what was really thrown came from the window, not of the "closet," but the "chamber." The other ground of doubt of the theory of suicide, I shall condense from the pamphlets of the time:—

"The print of a bloody foot appeared upon one of Lord Essex's stockings.

"The neck, or middle of his cravat, was cut in four pieces; and tied so hard, that there was reason to guess an attempt had been made to strangle him with it.

"His lordship's body was taken out of the closet, where it was found, stripped and washed, and the cloaths carried away; and, also, the closet and room were washed before the coroner's inquest was permitted to sit upon the body; which was not till the day after the murder was committed.

"One of the jury desiring to see the clothes, the coroner told him, 'They were called to sit upon my lord's body, and not on his clothes; and that it was sufficient they had seen the body, and received an account upon oath how it was found.'

Medical evidence.

"It was impossible the earl should cut his own throat in the manner it was found done. The two surgeons who viewed the body with the coroner, deposed, 'That the throat was cut from one jugular to the other, and through the windpipe and gullet, into the vertebræ of the neck, both jugular veins being also quite divided.'

"Now, the razor wherewith he was said to have killed himself, being a small French razor, about *four inches and a half long at most, without spill or tongue at the end of the blade*, it could not be held with strength and steadiness sufficient to make such a wound, a wound *eight inches long and four inches deep*, unless the hand and fingers grasped two

inches of it at least; and how the other two inches and a half of the razor could make such a long and deep wound as described by the surgeons, is incredible.

"In short, it is said, That this murder was committed by the Duke of York's contrivance and direction, and perpetrated by the Earl of Sutherland, Lord Feversham, and Paul Bomeney, my lord's valet de chambre. In proof of which it is observed,

"That the King and Duke of York were that morning in the Tower, from six o'clock till nine, where they had not been for twelve years before.*

"That the sentinels, which used to be changed every two hours, continued upon duty from four to ten o'clock in the morning; being, probably, persons that could best be trusted. However, that the day but one after the murder, they were called together, and strictly charged not to speak of what they had seen or heard. Change of sentinels.

"But Captain Hawley having whispered something about it, was found murthered.

"And Robert Meak, one of the sentinels, not having been so silent as desired, was murdered and thrown into the Tower-ditch. Murder of Hawley and Meak.

"A gate, at the lower end of those apartments where Lord Essex was confined, which used to stand open from morning till night, was all that morning kept shut, by a special order, till his lordship was dead.

"That the King and Duke having been at the Lieutenant's house, about the middle of the alley where the Earl was imprisoned, the Duke did soon after, with several waiting upon him, withdraw from the King down into the alley, the gate whereof was still kept shut.

"That the Duke having withdrawn from the King, several persons were immediately sent from his side towards the Earl of Essex's lodgings, which returned not till after his death.

"That Paul Bomeney was justly suspected by the rest of my lord's servants, by the last Earl of Essex, and many other

* This is not denied in James's Memoirs.

CHAP. V.

persons, to be the author of his master's death. Upon that suspicion, the Countess dismissed him out of her family. But he was, thereupon, cherished and entertained by the Court, and *made one of the life-guards.* As an evidence of his guilt, he was extremely frightened at the enquiry that was made into his master's death.

Conduct of James.

"But that the Court was also accessary to this murder is strongly suspected, because they so earnestly discouraged all manner of enquiry into it. For Lawrence Braddon, who was very active in discovering the true authors of this barbarous murder, was fined 2,000*l.* in the King's-bench, and Hugh Speke 1,000*l.* After all, by whom it was committed, is one of those secrets, which cannot be fully revealed till the last great day of accounts."*

It is true that, long after the death of Lord Essex, his widow maintained the theory of his suicide; but that is stated by another lady of her family to have been in the interest of her children; Lady Essex, it is presumed, being unwilling even to provoke the anger of Queen Mary, by telling the truth of James II. The rumour of the public, and the tradition of the Essex family, coincided in asserting that Bomeney had had a pension from the Treasury. Lord John Russell endeavoured in vain to get at the truth of this, but found the Treasury records too confused to enable him to decide. What his lordship says, however, is valuable on the subject, and goes a long way to negative the supposed suicide. The following is Lord John Russell's account, founded on the narrative of Bishop Burnet:—

Conduct of his widow.

Lord John Russell's account.

"A circumstance of more melancholy interest, but also tending to produce an impression unfavourable to Lord Russell, happened on the very morning of his trial. We have seen that Lord Essex staid in his own house, without any apparent uneasiness, from an apprehension that his flight would be injurious to his friend. An order was now given for his arrest, on the information of Lord Howard. A party of horse was sent to bring him up from his house at Casiobury. He was at first in some disorder, but soon recovered

* Letters written by His Excellency Arthur Capel, Earl of Essex, in the year 1675, to which is prefixed An Historical Account of his Life, 1770.

himself. When he came before the Council, however, he was in much confusion. He was sent to the Tower, and there fell under a great depression of spirits. He sent, by his servant, a very melancholy message to his wife: that what he was charged with was true; that he was sorry he had ruined her and her children; and that he had sent to Lord Clarendon, who had married his sister, to speak freely to him. She immediately sent back to him, to beg that he would not think of her or her children, but only study to support his own spirits; and desired him to say nothing to Lord Clarenden, nor to any one else, till she should come to him, which she hoped to get leave to do in a day or two. Lord Clarendon came to him upon his message, but he turned the matter off, as if he only wished to explain something he had said before the Council. Lord Clarendon was satisfied that he had nothing further to communicate.* After this he sent another message to his wife, that he was much calmer, especially when he found how she took his condition to heart, without seeming concerned for herself. The condition of his friend, Lord Russell, seems to have pressed heavily on his mind. He sent to the Earl of Bedford to say, he was more concerned for his son's condition than even Lord Bedford himself. And Lord Russell, when he looked towards Lord Essex's window, had observed him retire immediately into his room.

"On the morning appointed for Lord Russell's trial, his servant Bommeny (as he asserted), thinking he staid longer in his room than ordinary, looked through the key-hole, and there saw him lying dead. He said that, upon breaking open the door, he found his master with his throat cut, quite dead. At the time, it was universally supposed that Lord Essex was the author of his own death; but this opinion was afterwards rendered doubtful, by the deposition of two children of thirteen years of age, totally unknown to each other, who declared that they saw a bloody razor thrown out of the window of Lord Essex's chamber. Braddon, who gave currency to these reports, was tried and convicted as a

* Burnet.

CHAP. V.

spreader of false news. After the Revolution, a Committee of the House of Lords, consisting of Lord Bedford, Lord Devonshire, Lord Delamere, and Lord Monmouth, was named, to enquire into the death of Lord Essex. They examined above sixty witnesses; but Lord Devonshire, Lord Delamere, and Lord Monmouth, being obliged to leave London on public business, the investigation was suspended, and Parliament being soon afterwards dissolved, it was never resumed. Some time before this, however, Lady Essex had called a meeting of her relations, at which Lord Bedford, Lord Devonshire, and Bishop Burnet were present; at which she declared she believed Lord Essex had killed himself, and desired the business might be let fall. The depositions taken before the Lords are not to be found; it would be idle, therefore, at the present time, to pretend to give any opinion on the subject; and I should say no more on it, were it not that I have been assured by the present Earl of Essex, that Lord Onslow, then a Lord of the Treasury, told him, when a boy, that he had seen the entry of a grant of money to Bommeny in the books of the Treasury. The following circumstance corroborates strongly this testimony. At Russell Farm, near Cassiobury, there exists a copy of Lord Essex's letters, published in 1770, prefixed to which is an account of his life. In the margin of the page where he is stated to have been committed to the Tower, is the following note in the handwriting of the Countess of Essex, grandmother of the present Earl:—'Bommeny had a pension from the Treasury by the King's order till the day of his death, as Mr. Grenville told us appeared upon the Treasury books; Lady Carlisle, his daughter, likewise said that the family were of the same opinion, but his widow did not care to stir about it on account of her son.' The Lady Essex who wrote this note was of the Russell Family: by the word 'us' she probably means herself and a daughter who lived with her. A search was made at my request, but without success, into some of the Treasury books: there are others, however, in such confusion that it would be very difficult to examine them. The opinion that Lord Essex was murdered, undoubtedly receives great support from the fact attested by Mr. Grenville and Lord

Onslow. But it would have been satisfactory to have ascertained beyond a doubt, that Bommeny did not receive a pension from the Treasury before the death of Lord Essex. There is another circumstance mentioned by Braddon, which, if true, would go far to settle the question. He says that the sentinel who guarded the outer door, affirmed in his first examination, that he did not admit any one in the morning to Lord Essex's apartment, but that, in his subsequent examination, he allowed that he had admitted two men. Braddon attributes the stop put to the enquiry, to the regard which was paid to a minister of that day (probably meaning Lord Halifax), who had afterwards been one of the chief actors in the Revolution; and to the respect required by the feelings of Queen Mary and Princess Anne."

This consideration of Lady Essex for William and Anne is precisely the same feeling that is mentioned in the MS. note on the margin of Essex's Letters to which Lord John Russell refers. And, when it is considered that Essex was the adherent, at one time, of James, Duke of York; that he necessarily possessed many of his secrets; that his character was such that he was likely to fear no consequences in revealing what he knew, to justify his course against Popery; and had a much greater ability of speech than Russell; that James had just returned from Scotland, where he had given his countenance to murder, and presided in person at the torture of the thumb-screw and the boot; who shall answer that, when Braddon said that Essex was murdered, he really belied the Duke of York?

Burial of Essex.

On the conclusion of the strange inquest the body of Essex was conveyed to Hertfordshire, and committed to the family vault at Hadham.

Character of Essex.

The character of the Earl of Essex has been drawn by his contemporaries very generally alike. His strong attachment to the Church as an establishment, and to the Monarchy, arose, no doubt, as the natural consequence of his descent, connections, and early associations, while the same associations, to some extent, led him to the opinions in favour of the limitation of the royal power that finally urged him into

CHAP. V.

conspiracy. At an early age he had seen his father fall by the hands of the republicans, had been himself a hostage in their camp, and had been taught to look upon dissent as disloyalty; but he had also seen the extreme exercise of the prerogative checked by open rebellion—the King in exile, the episcopacy suppressed, and the powers of the nobility extinct. The Restoration also, he found, had been brought about as a compromise, and the return to absolutism by Clarendon and Clifford, no better than a fraud upon that contract. All these causes ranked Essex with the party in opposition to the Court, and made him one of the earliest to assert the principles which finally triumphed at the Revolution. Nor were these opinions inconsistent with a desire for office.* Neither in Ireland nor at the Treasury had he forgotten them. The first appointment he lost by opposing the Crown, and in the second, he was found so inconvenient a member as soon to be removed.

"As to his character," says Burnet, "he was a person of an agreeable stature, slender in body, adorned with a comely countenance, mixed with gravity and sweetness, and was easy of access; his mind was sedate, but his discourses were generally free and pleasant; and his demeanour very civil; his promises were real and sincere; his reprimand smart and ingenious, having a quick apprehension, good elocution, sound judgment, great courage, and resolution unalterable; he was always wary and circumspect in council, where he endeavoured to obstruct all arbitrary power, and the increase of the popish interest, having a particular regard for the established religion of his country; though others affirm, that

* In 1675, writing from Dublin Castle, he says to Mr. Harbord:—"I cannot imagine that barely the being in employment, should in this age be esteemed a crime; if so, all government must cease; and for my own particular, I shall only desire, if any matter be started against me, I may have a little time to examine my papers, and I shall justify myself. However, let all men reflect, that this my employment is very great; and so numerous are the papers I must set my hand to, as it is impossible for me to peruse them all, tho' I did nothing but read day and night. Let any man, who is but a justice of peace, seriously consider whether he does not every year commit many faults in relation to his office; if he acts not at all, he breaks his oath, and if he does act, the laws are so various which guide him, it is impossible for any man in that employment to be spotless; nevertheless, this I am sure I can say, that no man throughout the whole kingdom can justly accuse me of any notorious oppression or injustice of any kind, or that I have done any irregular thing for profit to myself, or favour to a friend; and upon these grounds I sleep quiet, and am very much at ease."—*Essex's Letters.*

he was too loose in point of religion; and that he had an odd set of some strange principles. With regard to his political notions, he thought the obligations between prince and subject were so equally mutual, that upon a breach on the one side the other was free. He was very temperate in his diet, strict in his justice, tender of his honour, and constant to his friend; he delighted much in his library, and spent much time there."

That he was easy of access was too plainly proved by his adoption of the society of Howard of Escrick, and his greater familiarity with the lesser actors in the Conspiracy than Lord Russell would permit. Of his "smart and ingenious" rebukes, there are several specimens in his correspondence with his brothers from Ireland;* but his attachment to his library is scarcely to be traced in his letters or speeches, if we except, perhaps, the allusions to English history in his address to Charles, on presenting the remonstrance against the calling of the parliament at Oxford. That he was considered a good debater may be seen from Temple's notices of his conduct at the Council, while his character for honour and integrity was vouched by all his contemporaries, —not the least being William, Lord Russell.

The widow of the Earl of Essex (Lady Elizabeth Percy, daughter of the tenth Earl of Northumberland) survived

† On one occasion, his brothers having written that an Irish parliament was about to be called, and hoped that it would make such fiscal arrangements as to enable him to visit England with certainty of retaining his position as Viceroy, he writes:—"That which amazeth me most of all, is, that in your letter you seem to applaud yourself very much, as if a great point were gained, in calling this parliament against September next: and some touches likewise in my brother Henry's letter, do confirm me, that yourself and he had a hand in proposing it; whether you had or no, is not very clear to me, but till I received your letter, and saw these particulars therein, I did rather presume it had been purely a fetch of my Lord Ranelagh's. I made no doubt, if you and my brother were the movers thereof, it was with a good intent towards me, believing that if writs were issued for the calling of a parliament, it would secure my coming back, but I must confess I am an utter enemy to anything of practice or artifice; and when I recollect how often I have pressed you to use plain dealing, I should very much wonder if now you should be guilty of a flight of this sort; it is impossible to have a parliament meet in Ireland under six months time, and I am sure the kingdom cannot be ready to have one (their present poverty being such) till the next year; besides, the first of September is the midst of their harvest, and divers other reasons, superfluous to be added, may be given against it; but if you and my brother have been consenting to this particular, which relates to a parliament, I believe my Lord Conway and Lord Ranelagh laugh bravely in their sleeves to see how egregiously they have chouseil you both."—*Essex's Letter.*

CHAP. V.

him so long as to the year 1718. After the Revolution she discountenanced the inquiry into the cause of her lord's death, and published a statement on that subject in the London Gazette.* Only two of Lord Essex's children survived to maturity—Algernon, second Earl, and Anne, Countess of Carlisle.

* London Gazette, July 31st, and August 4th and 7th, 1690.

APPENDIX.

APPENDIX (A).

SECRET TREATY TO ESTABLISH THE ROMAN CATHOLIC RELIGION IN ENGLAND.

THE FOLLOWING ARE THE MOST IMPORTANT ARTICLES OF THIS TREATY:—

"ARTICLE II.—The King of Great Britain is convinced of the truth of the Catholic religion, and resolved to make his declaration of it, and to reconcile himself with the Church of Rome, as soon as the affairs of his kingdom shall be sufficiently established to permit him. He has every reason to hope, and to be persuaded, from the affections and from the fidelity of his subjects, that none of them, even of those on whom God shall not have yet so abundantly shed His grace as to dispose them by this august example to be converted, will ever fail in the inviolable obedience due from all people to their sovereigns, even of a different religion. Nevertheless, as there appear sometimes turbulent and restless spirits, who endeavour to disturb the public tranquillity chiefly when they can conceal their evil designs under the plausible pretext of religion, his Britannic Majesty, who has nothing more at heart (after the repose of his conscience) than to establish that which the mildness of his government has procured to his subjects, believes that the best means of preventing it from being disturbed is to be assured, in case of its being required, of the assistance of his Most Christian Majesty, who being willing, on this occasion, to give the King of Great Britain indisputable proofs of the sincerity of his friendship, and to contribute to the full success of a design so glorious, so useful to his Majesty, and even to the whole Catholic religion, has promised, and promises to give, for this purpose, to the said King of Great Britain, the sum of two millions of livres Tournois, of which half shall be paid three months after the exchange of the ratifications of the present treaty, &c., and the other half three months after. And further, the said Most Christian King binds himself to assist his Britannic Majesty with troops to the number of six thousand, if necessary, and even to raise and maintain them at his own cost and expense as long as the said King of Great Britain shall judge them to be necessary to him for the execution of his design. And the said troops shall be transported by the ships of the King of Great Britain to such places and ports as he shall judge most fit for the good of his service; and from the day of their embarkation shall be paid as aforesaid, by his Most Christian Majesty, and shall obey the orders

May 22, 1670.

May 22, 1670. of the King of Great Britain, The time of the said declaration of Catholicism is left entirely to the choice of the said King of Great Britain.

"III.—Again; it has been agreed upon between the Most Christian King Louis, and his Majesty the King of Great Britain, that the said Most Christian King Louis will never violate the peace which he has concluded with Spain, nor in any manner whatever will he infringe the agreement entered into at the treaty of Aix-la-Chapelle. Wherefore it is permitted that the King of Great Britain maintain the said treaty, subject to the conditions of the Triple Alliance, and the undertakings which depend therefrom.

"IV.—It is likewise determined and agreed upon, that if there should arise for the Most Christian King Louis new rights and titles upon the Government of Spain, the said Charles, King of Great Britain, will afford to his very Christian Majesty all the assistance in his power, as well by land as sea, in order to facilitate the acquiring for his Most Christian Majesty the said rights and titles, the whole to follow such secret conditions as shall be agreed upon between the said Sovereigns, as much for the uniting of their troops after possession of the said rights and titles shall have been obtained, as for any advantages which the said King (Louis) can reasonably hope for; and the afore-named Sovereigns hold themselves reciprocally bound from this present time not to enter into any treaty having reference to the aforesaid new rights and titles with any prince or protectorate whatsoever, without the consent and co-operation of each other.

"V.—The said Sovereigns, Charles King of Great Britain and Louis King of France, having each, for his own part, many more subjects than would be necessary to justify him with the world for the resolution he has taken to mortify the pride of the States-General of the United Provinces of the Low Countries, and to lessen the power of a nation so often guilty of the blackest ingratitude towards the creators and founders of her Republic, the measure of whose audacity is full when she proposes to be erected into a Sovereign Power, to arbitrate between and judge all other potentates; it is resolved upon, determined, and concluded, that their Majesties will conjointly declare and make war upon the said States-General of the United Provinces of the Low Countries, with the full power of their strength by land and sea; and that neither of the said Sovereigns Charles and Louis shall be able to conclude a peace, truce, or suspension of hostilities, with the said States, without the advice and consent each of the other. And also, that as all commerce between the subjects of the Sovereigns of England and France, and those of the said States, shall be prohibited, the vessels and goods of those, therefore, who, notwithstanding this prohibition, continue their traffic with the said States, shall be seized upon by the subjects of their Sovereign's ally, and shall be held to be a just and lawful prize. All previous treaties made between the aforesaid States-General and either of the above-named Sovereigns of England or France, or their predecessors, shall be held to be null and void, except that of the Triple Alliance, made for the conservation of the

treaty of Aix-la-Chapelle; and if, after war being declared, any subject of either of their Majesties of France or England be found now or hereafter enrolled in the service of the said States-General, he shall be taken prisoner and executed according to the laws of whichever kingdom his captor may be a subject.

VI. For the purpose of carrying on and conducting this war in such a manner as the said Sovereigns trust the justice of the cause demands, it is agreed upon that his Most Christian Majesty Louis will charge himself with every expense of providing the necessary force by land and sea, so as to prepare the most powerful attack upon the citadels and country of the aforesaid States. His Majesty the King of Great Britain agrees only to furnish his Most Christian Majesty with a corps of six thousand foot towards the above-named force, of which the said King of Great Britain binds himself to be at the entire expense. This corps to be commanded by a general officer, who will receive orders from his Most Christian Majesty, his commander-in-chief of his army, in whatever place the said corps shall serve as auxiliary. The corps to be composed of six regiments, of ten companies each, a hundred men to every company. These troops to be embarked and landed at such port or harbour, and within such time, as shall be hereafter agreed upon between their said Majesties; taking care, nevertheless, to have them disembarked upon the coast of Picardie, or whatever other place shall be agreed upon, not later than one month subsequent to the stationing of the fleet off Portsmouth."

The following remarks on this treaty are from Lord John Russell's "Life of Lord Russell:"—

"It is impossible to read this article without indignation at the unprincipled ambition, the shameless venality, and the cool hypocrisy of Charles. For the sake of public tranquillity, an army of Frenchmen was to be introduced into England, to force the nation to embrace a religion they detested! The holy name of God is used for the purpose of sanctioning the subjugation of a free people by the assistance of a foreign power! Such was the return which a king of the house of Stuart thought fit to make to a country which had received him with unlimited confidence. Neither the affection which the people had shown to his person, nor the general duty of a sovereign to his subject, nor the solemn obligation of an oath, were sufficient to restrain Charles from signing a treaty, which will ever remain a monument of ingratitude, perjury, and treason. And as his offence cannot be justified, so neither can it be palliated. He was not obliged, whatever he might allege, by the unreasonable demands or unquiet humours of his people, to fly to foreign protection: his perfidy was as spontaneous as it was unexampled.

"Several circumstances may tend to convince us that the intention of Charles in forming this treaty was almost entirely political. In a mind like his, sentiments of devotion are always subordinate to the calls of pleasure or convenience. After the treaty was made, he feigned so many scruples, and invented so many pretexts for delaying his public conversion, that Lewis soon perceived his insincerity, and ceased to require it. His motives for entering into the treaty are thus explained by Colbert de Croissy, who signed it:—'Charles,' he

writes, 'said that he would still augment his regiments, under the most specious pretexts he could devise. He told me he was pressed both by his conscience and the confusion he saw daily increasing in his kingdom, to the diminution of his authority, to declare himself a Catholic; and, besides the spiritual advantage he should draw from it, he believed it to be the only means of re-establishing the monarchy.'

"The Duke of York, though much more earnest in his religion, seems also to have been chiefly intent on changing the form of government. He told the French ambassador that he believed a king and parliament could exist no longer together; and that they ought not to have recourse to the latter, till the war and the Catholic faith had come to an happy issue, when they should be in a condition to obtain by force what they could not gain by mildness."

APPENDIX (B).

Declaration of the Causes of Dissolving the two last Parliaments.

Of this document, the following is a resumé by Lord John Russell:—

"The king published a declaration assigning his reasons for dissolving the two last parliaments. To the first he objected, that they presented remonstrances under the title of addresses; voted eminent persons enemies of the king and kingdom, without proof; arrested many persons under the false pretence of privilege; stopped the payment of tallies and anticipations; and, lastly, assumed to themselves legislative power, by interfering in the regular prosecution by law of Protestant Dissenters. The parliament assembled at Oxford, he reproached with stirring the Exclusion Bill, to which he had declared he never would consent; and with their vote against the House of Lords, on the subject of Fitzharris. He concluded by warning the people against designing men, who accused him of an intention of laying aside parliaments, and by declaring his determination that, after the lapse of a short period, their meetings should be constant and frequent.

"This declaration of the king was, by an order in council, directed to be read in all churches and chapels. The order was very generally obeyed, and the effect produced corresponded to the wishes of the court and clergy. The part which alluded to the Dissenters raised a cry of Church and King through the whole kingdom. Addresses poured in from all sides, vying with each other in fulsomeness and adulation. One of these, from Norwich, was presented as a libel by the grand jury of Middlesex.

"An able answer to the declaration, under the title of 'A just and modest Vindication of the two last Parliaments,' was published by the

Opposition. It was first written by Algernon Sydney, but a new draught was made by Mr. Somers, afterwards Lord Somers, and corrected by Sir W. Jones. In this pamphlet, the proceedings of the Commons were shown to be agreeable to law and precedent; but, though the argument was clear and convincing, and the style more than usually correct and forcible, this and other writings, in favour of the Parliament, produced little effect."—*Life of Lord Russell*, i. 273.

The following extract from the "Just and modest Vindication," gives the spirit of the answer to the King's Declaration :—

"But should this declaration be suffered to go abroad any longer, under the royal name, yet it will never be thought to have proceeded from his Majesty's inclination, or his judgment, but to be gained from him by the artifices of the same ill men, who not being content to have prevailed with him to dissolve two Parliaments, only to protect them from public justice, do now hope to excuse themselves from being thought the authors of that counsel, by making him openly to avow it. But they have discovered themselves to the kingdom, and have told their own names when they number amongst the great crimes of the House of Commons, their having declared divers eminent persons to be enemies to the King and kingdom. 'Tis our happiness, that the cunning of these eminent persons is not equal to their malice, in that they should thus unwarily make themselves known, when they had so secretly, and with so much caution, given the pernicious advice. None could be offended at the proceedings of the Parliaments, but they who were obnoxious; none could be concerned to vindicate the dissolution, but they who had advised it. But they have performed this last undertaking after such a sort, that they have left themselves not only without justification, but without all pretence hereafter. The people were willing to think it the unfortunate effect of some sudden and precipitate resolution; but since they have now publicly assured us, that it was the result of counsel and deliberation, they cannot blame us for hoping one day to see justice done upon such counsellors.

"But though, to the dishonour of our country, it does appear that some Englishmen were concerned in the unhappy advice, of breaking the two last Parliaments, and setting up this pretended defence of it; yet the Gallicisms which are found in the paper shew the writer to have been of another nation, or at least to have had his thoughts so much taken up for the interests of France, (whilst he was labouring this way to heighten and perpetuate the differences between the King and his people) that he could not express himself in any other idiom than theirs; he would not otherwise have introduced the King, saying, that *it was a matter extremely sensible to us;* a form of speech peculiar to the French, and unknown to any other nation. The reader (who understands that language) will observe so many more of this kind, as will give him just cause to doubt whether the whole paper was not a translation, and whether the English one, or that which was published in French, was the original?

"Let us then no longer wonder, that the time of dissolving our Parliaments, is known at Paris sooner than at London, since 'tis probable the reasons now given for it were formed there too. The Peers at Oxford were so totally ignorant of the council, that they never once thought of a dissolution till they heard it pronounced; but the Duchess of Mazarin had better intelligence, and published the news at St. James's many hours before it was done. This declaration was not communicated to the Privy Council till Friday, the 8th of April, when his Majesty (according to the late method) did graciously declare to them his pleasure to set it forth, without desiring from them any advice in the matter; but Monsieur Barillon, the French Ambassador, did not only read to a gentleman the 5th of April, but advised with him about it, and demanded his opinion of it, which his excellency will the better remember, because of the great liberty which the person took in ridiculing it to his face. Good God! to what a condition is this kingdom reduced, when the Ministers and agents of the only Prince in the world, who can have designs against, or of whom we ought to be afraid, are not only made acquainted with the most secret passages of state, but are made our chief Ministers too, and have the principal conduct of our affairs? And let the world judge if the Commons had not reason for their vote, when they declared those eminent persons, who manage things at this rate, to be the enemies of the King and kingdom, and promoters of the French interest.

"Whosoever considers the actions of our great men, will not think it strange, that they should be hard put to it to find out reasons which they might give for any of them, and they have had very ill luck whenever they went about it. That reason which they had given for dissolving three several Parliaments successively, is now grown ridiculous; *that the King was resolved to meet his people, and to have their advice in frequent Parliaments*, since every man took notice, that as soon as the Ministers began to suspect that his Majesty was inclined to hearken to, and pursue their advice, those very Parliaments were presently dissolved. This was all the ground and cause which was thought of for breaking the last Parliament at Westminster, when the proclamation of the 18th of January, 1680, was published; but they have now considered better, and have found out faults enough to swell into a declaration, and yet as much offended as they are with this Parliament, they seem more highly angry with that which followed at Oxford. Nor is it at all strange that it should fall out so: for the court never did yet dissolve a Parliament abruptly, and in a heat, but they found the next Parliament more averse, and to insist upon the same things with greater eagerness than the former. English spirits resent no affronts so highly as those which are done to their representatives; and the Court will be sure to find the effects of that resentment in the next election. A Parliament does ever participate of the present temper of the people. Never were Parliaments of more different complexions than that of 1640, and that of 1661. Yet they both exactly answered the humours which were predominant in the nation when they were respectively chosen. And, therefore, while the people do so universally hate and fear

France and Popery, and do so well understand who they are who promote the French and Popish interests, the favourites do but cozen themselves to think that they will ever send up representatives less zealous to bring them to justice, than those against whom this declaration is published. For surely this declaration (what great things soever may be expected from it) will make but very few converts, not only because it represents things as high crimes which the whole kingdom has been celebrating as meritorious actions, but because the people have been so often deceived by former declarations, that whatsoever carries that name, will have no credit with them for the future. They have not yet forgotten the declaration from Breda, though others forgot it so soon, and do not spare to say, that if the same diligence, the same earnest solicitation, had been made use of in that affair, which have been since exercised directly contrary to the design of it, there is no doubt but every part of it would have had the desired success, and all his Majesty's subjects would have enjoyed the fruits of it, and would now have been extolling a Prince so careful to keep sacred his promises to his people. If we did take notice of the several declarations, published since that which we have last mentioned, we shall find they signify as little; and therefore we will only remember the last, made the 20th of April, 1679, and declared in council and in Parliament, and after published to the whole nation: 'Wherein his Majesty owns, that he is sensible of the ill-posture of his affairs, and the great jealousies and dissatisfaction of his good subjects, whereby the Crown and Government was become too weak to preserve itself, which proceeded from his use of a single ministry, and of private advices; and therefore professes his resolution, to lay them wholly aside for the future, and to be advised by those able and worthy persons, whom he had then chosen for his council, in all his weighty and important affairs.' But every man must acknowledge, that either his Majesty has utterly forgotten this public and solemn promise, or else that nothing weighty and important has happened from that time to this very day.

"As for the declaration read in our churches the other day, there needs no other argument to make us doubt of the reality of the promises which it makes, than to consider how partially, and with how little sincerity the things which it pretends to relate are therein represented. It begins with telling us, in his Majesty's name, that it was with exceeding great trouble that he was brought to dissolve the two last Parliaments, without more benefit to the people by the calling of them. We should question his Majesty's wisdom, did we not believe him to have understood, that never Parliaments had greater opportunities of doing good to himself and to his people. He could not but be sensible of the dangers, and of the necessities of his kingdom; and therefore could not, without exceeding great trouble, be prevailed upon for the sake of a few desperate men (whom he thought himself concerned to love now, only because he had loved them too well, and trusted them too much before), not only to disappoint the hopes and expectations of his own people, but of almost all Europe. His Majesty did indeed do his part, so

far, in giving opportunities for providing for our good, as the calling of Parliaments does amount to, and it is to be imputed to the Ministers only, that the success of them did not answer his and our expectations. 'Tis certain it cannot be imputed to any of the proceedings of either of those Parliaments; which were composed of men of as good sense and quality as any in the nation, and proceeded with as great moderation, and managed their debates with as much temper as was ever known in any Parliament. If they seemed to go too far in anything, his Majesty's speeches or declarations had misled them, by some of which they had been invited to enter into every one of those debates, to which so much exception has been since taken."

APPENDIX (C), page 108.

Mazarine's Reason for requiring Henrietta Maria to acknowledge Anne Hyde as Duchess of York.

On this subject the following probable explanation is offered in the Quarterly Review, No. LVII., September, 1823:

"Clarendon was inclined to believe what the Abbot Montague told him, that Cardinal Mazarine had written to warn her, 'she could not expect a welcome in France if she left her son in her displeasure, and professed an animosity against those ministers who were most trusted by the king.' Clarendon adds, that 'he little understood from what fountain this good will of the Cardinal proceeded, who had never been propitious to him.' The Portuguese ambassador states what was the real cause. Though France had abandoned Portugal at the Treaty of the Pyrenees, it was not her interest that that kingdom should be reunited to Spain. But the Queen Mother of France retained all her Castilian feelings, and the Cardinal, statesman as he was, regarded any state-interest as a secondary concern compared with the aggrandizement of his family. His heart was set upon bringing about that marriage for his niece (viz. with Charles II.), to which, in the pride of his heart, and in his contempt for the fallen fortunes of the exiled king, he had refused his consent. They had engaged Montague and the Earl of St. Albans to promote this object, the influence of the latter being as great with Henrietta as that of Mazarine with his royal mistress. His services, according to the Portuguese ambassador, were secured by the promise of a sum large enough to excite the cupidity of one who through life cared for nothing but himself. The queen-mother at this time was passionately bent upon making the Duke of York cast off his wife; the disposition which he at one time manifested to do so is the most dishonourable part of his whole life, for James had some good qualities, and some great ones. It was, however, perceived that the arguments which she urged with her natural vehemence against the marriage, on the ground of the disparagement of such an alliance, and the disgrace it was to the royal family,

applied with equal or greater force to that which was proposed for the king with Hortensia Mancini. She was induced therefore to desist from that topic; to acknowledge the duchess for her daughter-in law, and to court a reconciliation with Clarendon, who, it was expected, would, in return for the signal advantage thus obtained by his family, unite his interests with those of the queen and her party, and join with them to break off the treaty with Portugal. But it proved otherwise, says the ambassador; for it was actually found that the chancellor regarded nothing but the service of his prince. Mazarine then ceased to pursue a design which he perceived to be impracticable; but he felt the disappointment keenly, and was said to observe upon the occasion, 'They say I am a great politician; the Chancellor of England is a great one; he has known how to wed his daughter with the Duke of York, and, what is more, to wed himself with the king.'"

APPENDIX (D).

The state of public affairs at the breaking out of the plot, and Danby's opinion of them, may be gathered from the following letter to Sir William Temple. The ungrateful corporation referred to, was that of Northampton, which threw out Sir William Temple and elected Montague. It is clear from the letter that Danby was seriously of opinion that Montague had been conspiring with the Nuncio:

"London, November 19, 1678.

"My Lord,

"We have not only our hands overloaded with business, but with such business as we can neither guess the event of, nor foresee when it will end. I know you are enough filled with the general news of plots and contrivances, both against the King's person, and to subvert our religion and government. But we are yet so unhappy as not to have evidences so convincing, as I hope they will be when the conspirators have come to their trials. In the mean time, there arise debates of very different natures, and sometimes heats upon them; and such a one particularly yesterday (in the House of Commons), as ended in the commitment of Sir Joseph Williamson to the Tower. His Majesty has this day spoke to the House of Commons upon that matter, and did, at the same time, order Mr. Secretarie's release; which has begot an address from that House to the King, shewing the reason of their committing him, and desiring his Majesty would please to continue his commitment. But the Secretary is at liberty, and how the matter will rest, or be taken up again, to-morrow will shew. The chief aim seems to be against the Duke, but is attended with designs also against lesser ones (as myself, and others of the cabinet); and truly it is the opinion of very many, that those designs are rather pursued under the cover of the plot, than the plot itself. Amidst these disorders (and which are more likely to increase than otherwise), we

have an army and fleet on our hands without any provision either to continue or disband them; and for those troops abroad, they must either starve, or be recalled immediately. And yet the Commons will not endure to hear of this, or any other concern, until they have further satisfaction in the matter of the plot.

"What the consequences of these things will be abroad, we have not time to think, nor almost of what we should do at home; but, because I could not satisfy myself to be any longer silent, I was resolved to acquaint you with the present state of our affairs. I was in hopes to have seen you in the House by this time, to have had the help of such an able physician in so desperate a distemper; but we are like to be deprived of that also, by the ingratitude of a corporation to his Majesty, and the ill-practices of Mr. Mountague to debauch them, since his coming to the House. I have heard more of his ill-practices of other kinds, and some of them particularly against yourself, which I am hunting, as well as I can, to find out. And I hear that Mr. Olivencranz can tell us something if he pleases of Mr. Mountague, which would both spoil his plots and his seat in Parliament; and which you do well to inform yourself of, if you meet with a fit occasion. I write this in such a hurry, that you must forgive the faults of it; but before I end, I beg to know whether at last you believe the peace will be concluded to the State satisfaction or not.

"I am yours, &c.
DANBY."*

APPENDIX (E.)

The folllowing is the proclamation establishing the Council of Thirty, suggested by Sir William Temple, to succeed Lord Danby's Administration, and in which the Earl of Essex was First Lord of the Treasury.

"At the Court at Whitehall, the 21st of April, 1679. Present, the King's most excellent Majesty in Council.

"His Majesty having caused the Privy Council to meet yesterday extraordinary, was then pleased to order the Lord Chancellor of England to read to them the following declaration:—

"My Lords,

"His Majesty hath called you together at this time, to communicate unto you a resolution he hath taken, in a matter of great importance to his Crown and Government: and which he hopes will prove of the greatest satisfaction and advantage to his kingdoms, in all affairs hereafter, both at home and abroad; and therefore he doubts not of your approbation, however you may seem concerned in it.

"In the first place, his Majesty gives you all thanks for your service to him here; and for all the good advices you have given him;

* Danby Letters, p. 263.

which might have been more frequent, if the great number of this Council had not made it unfit for the secrecy and dispatch that are necessary in many great affairs. This forced him to use a smaller number of you in a Foreign Committee; and sometimes the advices of some few among them (upon such occasions) for many years past. He is sorry for the ill-success he has found in this course, and sensible of the ill-posture of affairs, from that and some unhappy accidents, which have raised great jealousies and dissatisfaction among his good subjects; and thereby left the Crown and Government in a condition too weak for those dangers we have reason to fear, both at home and abroad.

"These his Majesty hopes may be yet prevented, by a course of wise and steady counsels for the future; and these kingdoms grow again to make such a figure as they formerly have done in the world, and as they may always do, if our union and conduct were equal to our force. To this end, he hath resolved to lay aside the use he may have hitherto made of any single ministry, or private advices, or foreign committees, for the general direction of his affairs: and to constitute such a Privy Council, as may not only by its number be fit for the consultation and digestion of all business, both domestic and foreign; but also by the choice of them, out of the several parts this State is composed of, may be the best informed in the true constitutions of it, and thereby the most able to counsel him in all the affairs and interests of this crown and nation. And by the constant advice of such a Council, his Majesty is resolved hereafter to govern his kingdoms; together with the frequent use of his great Council of Parliament, which he takes to be the true ancient constitution of this State and Government.

"Now for the greater dignity of this Council, his Majesty resolves their constant number shall be limited to thirty; and for their greater authority, there shall be fifteen of his chief officers, who shall be Privy Counsellors by their places; and for the other fifteen, he will choose ten out of the several ranks of the nobility; and five commoners of the realm; whose known abilities, interest and esteem in the nation, shall render them without all suspicion of either mistaking or betraying the true interest of the kingdom, and consequently of advising him ill.

"In the first place, therefore, and to take care of the Church, his Majesty will have the Archbishop of Canterbury, and Bishop of London, for the time being. And to inform him well in what concerns the laws, the Lord Chancellor, and one of the Lord Chief Justices. For the navy and stores (wherein consists the chief strength and safety of the kingdom), the Admiral, and Master of the Ordnance. For the Treasury, the Treasurer and Chancellor of the Exchequer (or whenever any of these charges are in Commission, then the first Commissioner to serve here in their room.) The rest of the fifteen shall be the Lord Privy Seal, the Master of the Horse, Lord Steward, and Lord Chamberlain of his Household, the Groom of the Stole, and the two Secretaries of State: and these shall be all the officers of his kingdom, to which the the dignity of a Privy Counsellor shall be annexed. The others his Majesty has resolved,

and hopes he has not chosen ill. His Majesty intends, besides, to have such princes of his blood as he shall at any time call to this board, being here in Court: a President of the Council, whenever he shall find it necessary: and the Secretary of Scotland, when any such shall be here. But these being uncertain, he reckons not of the constant number of thirty, which shall never be exceeded.

"To make way for this new Council, his Majesty hath now resolved to dissolve this old one; and does hereby dissolve it, and from this time excuses your further attendance here: but with his repeated thanks for your service hitherto, and with the assurance of his satisfaction in you so far that he should not have parted with you, but to make way for this new Constitution, which he takes to be, as to the number and choice, the most proper and necessary for the uses he intends them. And as most of you have offices in his service, and all of you particular shares in his favour and good opinion; so he desires you will continue to exercise, and deserve them, with the same diligence and good affections that you have hitherto done; and with confidence of his Majesty's kindness to you, and of those testimonies you shall receive of it upon other occasions.

"Therefore, upon the present dissolution of this Council, his Majesty appoints and commands all those officers he hath named, to attend him here to-morrow at nine in the morning, as his Privy Council; together with those other persons he designs to make up the number, and to each of whom he has already signed particular letters to that purpose; and commands the Lord Chancellor to see them issued out accordingly; which is the form he intends to use, and that hereafter they shall be signed in Council, so that nothing may be done unadvisedly in the choice of any person, to a charge of so great dignity and importance to the kingdom.

"And in pursuance thereof, his Majesty did this day declare, that he had made choice of the several persons hereafter named, to be of his Privy Council.

"The names of the Lords of His Majesty's Most Honourable Privy Council:—

His Highness Prince Rupert.
Dr. William Sancroft, Lord Archbishop of Canterbury.
Heneage Lord Finch, Lord Chancellor of England.
Anthony Earl of Shaftsbury, Lord President of the Council.
Arthur Earl of Anglesey, Lord Privy Seal.
Christopher Duke of Albemarle.
James Duke of Monmouth, Master of the Horse.
Henry Duke of Newcastle.
John Duke of Lauderdale, Secretary of State for Scotland.
James Duke of Ormond, Lord Steward of the Household.
Charles Lord Marquis of Winchester.
Henry Lord Marquis of Worcester.
Henry Earl of Arlington, Lord Chamberlain of the Household.
James Earl of Salisbury.
John Earl of Bridgewater.
Robert Earl of Sunderland; one of His Majesty's principal Secretaries of State.

Arthur Earl of Essex, first Lord Commissioner of the Treasury.
John Earl of Bath, Groom of the Stole.
Thomas Lord Viscount Falconberg.
George Lord Viscount Hallifax.
Henry Lord Bishop of London.
John Lord Roberts.
Denzil Lord Hollis.
William Lord Russel.
William Lord Cavendish.
Henry Coventry, Esq. one of his Majesty's principal Secretaries of State.
Sir Francis North, Kt. Lord Chief Justice of the Common Pleas.
Sir Henry Capell, Kt. of the Bath, first Commissioner of the Admiralty.
Sir John Ernley, Kt. Chancellor of the Exchequer.
Sir Thomas Chicheley, Kt. Master of the Ordnance.
Sir William Temple, Baronet.
Edward Seymour, Esq.
Henry Powle, Esq.

And his Majesty commanded such of them as were then present to be sworn, and to take their places at the Board accordingly.

The Right Honourable Anthony Earl of Shaftsbury, who was by his Majesty's special command sworn Lord President of his Majesty's most Honourable Privy Council, took his place at the Board accordingly.

His Majesty was also pleased to declare, that he would have all his affairs here debated freely, of what kind soever they were; and therefore absolute secrecy.

His Majesty was also pleased to declare, that he would communicate this alteration of the Council unto both Houses of Parliament in a few words.

APPENDIX (F).

Sir William Temple's Proposals to Lord Essex on Irish Affairs.

"Horses in Ireland are a drug, but might be improved to a commodity not only of greater use at home, but also fit for exportation into other countries. The soil is of a sweet and plentiful grass, which will raise a large breed; and the hills, especially near the sea-coasts, are hard and rough, and so fit to give them shape, and breath, and sound feet. The present defects in them are breeding without choice of stallions, either in shape or size, and trusting so far to the gentleness of the climate as to winter them abroad, without ever handling colts till they are four years old. This both checks the growth of the common breeds, and gives them an incurable shyness, which is the general vice of Irish horses, and is hardly ever seen in Flanders, because the hardness of the winter in those parts forces the breeders there to

house and handle their colts for at least six months every year. In the studs of persons of quality in Ireland, where care is taken and cost is not spared, we see horses bred of excellent shape, and vigour, and size, so as to reach great prices at home, and encourage strangers to find the market here; among whom I met with one, this summer, that came over on that errand, and bought about twenty horses, to carry over into the French army, from twenty to threescore pounds price at the first hand." *

"At each race may be two plates given by the king, one of thirty pounds, and the other of twenty (besides the fashion), as the prizes for the first and second horse; the first engraven with a horse crowned with a crown, the second with a coronet, and under it the day of the month, and the year. Besides these plates, the wagers may be as the persons please among themselves, but the horses must be evidenced by good testimonies to have been bred in Ireland. For honour the Lord Lieutenant may even be present himself, or at least name a deputy in his room, and two judges of the field, who shall decide all controversies, and with sound of the trumpet declare the two victors. The masters of these two horses may be admitted to ride from the field to the castle with the Lord Lieutenant or his deputy, and to dine with him that day, and there receive all the honour of the [illegible]. This to be done, what quality soever the persons [illegible] for the lower that is, the more will be the honour, and per[illegible] more the sport; and the encouragement of breeding will, [illegible] extend to all sorts of men." †

"Every man would be forced to provide winter fodder for his team (whereas [illegible] garrans shift upon grass the year round); and [illegible] to the enclosing of grounds, and improving bog [illegible] race of garrans would decrease, and so make room for [illegible] maintaining the greater number of cattle, which [illegible] commodity, though they die by accident or age, whereas the other makes none at all." ‡

"Until the transportation of cattle into England was forbidden by the late act of parliament, the quickest trade of ready money here was driven by the sale of young bullocks, which, for four or five summer months of the year, were carried over in very great numbers, and this made all the breeders in the kingdom turn their lands and stocks chiefly to that sort of cattle." §

"And severe defences may be made against weaving any linen under a certain breadth, such as may be of better use to the poorest people, and in the coarsest linen, than the narrow Irish cloth, and may bear some price abroad, whenever more comes to be made than is to be consumed at home." ||

"For the miscarriages mentioned in the making up of those several commodities for foreign markets, they must likewise be remedied by severe laws, or else the improvements of the commodities themselves will not serve to bring them in credit, upon which all trade turns. First, the ports out of which such commodities shall be shipped may

* Temple's Works, vol. 1, p. 118. † Ibid.
‡ Ibid, vol. 1, p. 116. § Ibid, vol. 1, p. 115. || Ibid, vol. 1, p. 114.

be restrained to a certain number, such as lie most convenient for the vent of the inland provinces, and such as either are already, or are capable of being made, regular corporations. Whatever of them shall be carried out of any other port shall be penal, both to the merchant that delivers, and to the master that receives them. In the ports allowed shall be published rules, agreed on by the skilfullest merchants in those wares, to be observed in the making up of all such as are intended for foreign transportation, and declaring that what is not found agreeable to those rules shall not be suffered to go out."*

* Temple's Works, vol. 1, p. 116.

END OF VOL. I.

00024069

Digitized with financial assistance from the
Government of Maharashtra
on 23 March, 2016